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SUBMISSION TO THE GREENBELT TASK FORCE BILL 27 – THE GREENBELT PROTECTION ACT

The Planning and Economic Development Committee recommends the following:

- 1. The presentation by Barbara Jeffrey, Principal Planner, Long Range and Strategic Planning, be received;**
- 2. The recommendations contained in the following report, June 14, 2004, from the Commissioner of Planning and Development Services, be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. The issues and recommendations raised in this report be conveyed to the Greenbelt Task Force and Province of Ontario.
2. The report and attachments be circulated to area municipalities within the Region, the Ministry of Municipal Affairs and other stakeholders.

2. PURPOSE

The purpose of this report is to:

- Update Committee and Council on the legislative process and status of Bill 27.
- Review the Greenbelt Task Force Vision and Goals document and the Discussion Paper released by the Greenbelt Task Force in May 2004.
- Provide comments to the Greenbelt Task Force.

3. BACKGROUND

In December, 2003 the Honourable John Gerretsen, Minister of Municipal Affairs and Housing introduced Bill 27 – *The Greenbelt Protection Act* in the Legislature. At the same time, the Bill was given first reading and posted on the EBR for comment until January 23, 2004.

Regional Council at its meeting of January 22, 2004 endorsed 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 supported the proposed changes to the *Oak Ridges Moraine*

Conservation Act, 2001 proposed by the Bill. *Attachment 1* to this report is a copy of the January 22, 2004 report to Council.

Within this support however, was a caveat that the legislation must provide for the construction of infrastructure and other public projects to support the population and employment growth in York Region and the GTA.

In early March the Province announced both the Legislative process to be followed for passage of the Bill and the public consultation process to be followed by the Greenbelt Task Force before making its recommendations to the Province on the Greenbelt Plan.

4. ANALYSIS AND OPTIONS

4.1 Legislative Process and Standing Committee

The legislative process leading to the approval of Bill 27 commenced when the Legislature resumed in mid- March with the Bill being immediately referred to the Standing Committee on General Government for hearings.

Hearings by this Standing Committee were held in 4 locations during May and early June. The Region of York was granted status at these hearings and presented the brief (appended to this report as *Attachment 2*) at the hearing in the Town of Aurora on May 21, 2004.

Standing Committee has now completed clause by clause consideration of the Bill and the amended Bill was returned to the House on June 10, 2004, for third reading and Proclamation. Regional staff anticipates advising further on the status of Bill 27 - *The Greenbelt Protection Act, 2003* in the near future.

4.2 Greenbelt Task Force Vision and Goals and Discussion Paper

4.2.1 Vision and Goals

On May 6, 2004 just prior to the commencement of the public consultation process, the Task Force released a Vision and Goals statement and the Greenbelt Discussion paper whose aim was to establish a framework for discussion. The document provided at the consultation session is appended to this report as *Attachment 3*.

The Vision and Goals announced propose a permanent connected agricultural and environmental system which supports existing communities and conserves the natural resources critical for a thriving economy. This is a lofty and ambitious aim and there are few people that would dispute the intent of the statements. The January report to Council recommended support for the overall intent of the *Greenbelt Protection Act* to protect both environmentally sensitive land and the agricultural base. This support however was tempered by the caveat that the legislation must provide for the construction of infrastructure and other public projects to support the population and employment growth in York Region and the GTA.

The Vision and Goals released by the Task Force are a more detailed version of the Province's intent expressed within the legislation. But what is missing from the Vision and Goals is a more obvious recognition and acknowledgement that increasing population and employment (and the necessary infrastructure services) will be directed to growth areas within south-central Ontario by other government initiatives such as the Growth Management Plan. Greenbelt policy needs to be formulated in the context of the broader growth management issues in the GTA.

Unless the context for greenbelt planning within an overall growth management framework is recognized, the Greenbelt Plan may become a well intentioned but unimplementable vision.

As a first step in assisting municipalities, the Province should expedite development of a proactive Provincial Policy Statement (which has only been partially achieved in the draft PPS reviewed in an additional report on the Planning Committee agenda to support our established urban structure and our growth management and city building initiatives. Secondly, additional initiatives must be implemented now to:

- promote city building in our existing settlement areas
- consider critical infrastructure needs
- prevent leap-frogging of development over Moraine & Greenbelt areas
- implement Agricultural Action Plans.

It is recommended that the Vision and Goals be amended to include acknowledgment of the population growth and infrastructure requirements to be provided within the Greenbelt area through on-going government initiatives.

Recommendation:

It is recommended that the Region support the overall intent of the Greenbelt Task Force as expressed in the Vision and Goals, subject to acknowledgment of the overall growth management challenges in the GTA including infrastructure requirements.

4.2.2 Discussion Paper

The Discussion Paper identifies key issue areas and provides the Task Force's thoughts and rationale on each to assist stakeholders in providing comments. Key areas are:

4.2.2.1 Environmental Protection

The Greenbelt study area contains significant natural heritage features including wetlands, kettle lakes, rare and threatened animals, and plants and habitat as well as river and valley systems connecting the Oak Ridges Moraine and the Niagara Escarpment. Proposed approaches include a hierarchical system for natural heritage and hydrological features and functions that would include provincial parks, and areas such as the Iroquois Shoreline, Rouge Park and the Duffins-Rouge Agricultural Preserve. Priority protection

Areas will include more sensitive areas where few uses are permitted and less sensitive areas where more development could occur.

Comment

Greenbelt components are well defined and secured in York Region with the Official Plan policies, Oak Ridges Moraine Official Plan changes, Regional/local Greenlands systems & north - south river valleys. The majority of these elements are already provided protection through a hierarchy of approved Regional and local Planning documents.

The areas of natural heritage that are not well protected however and where municipalities could benefit from stronger tools to provide protection and securement are wetlands (other than Provincially Significant wetlands), tableland woodlands and those middle reaches of streams off the ORM. In these areas Provincial policy has been found lacking (either in the existing PPS or the draft PPS currently under review) to secure or otherwise protect such features from development and site alteration or from expansion of Agricultural uses.

Recommendation

It is recommended that:

The Region advise the Task Force that the Greenbelt components are well defined and secured in York Region with the Official Plan policies, Oak Ridges Moraine Official Plan changes, Regional/local Greenlands systems & north-south river valleys and should be maintained;

The areas of natural heritage that could be considered for improved policy protection and securement tools are:

- **wetlands (other than Provincially significant wetlands)**
- **tableland woodlands and**
- **those middle reaches of streams off the ORM**

In those areas, Provincial policy is not of sufficient strength (either in the existing PPS or the draft PPS currently under review) to secure or otherwise protect them from development and site alteration or from expansion of Agricultural uses.

4.2.2.2 Agriculture and the Niagara Tender Fruit and Grape Lands

The Task Force understands that agricultural lands are a valuable and finite resource providing the economic, environmental and social benefits of a countryside sector to a growing urban region. The Task Force also recognizes that land-use planning alone is insufficient to ensure that agricultural lands within the greenbelt will be farmed, and that issues relating to the viability of the industry must be examined. Proposed approaches include establishing a Provincial Agricultural Task Force to ensure a viable industry, protection of tender fruit lands and the Holland Marsh and CLI classes 1, 2 and 3 lands

and support for a review of taxation and financial tools to assist in maintaining agricultural viability.

Comment

York Region's Official Plan and the Official Plans of the area municipalities already provide for protection of both high quality agricultural lands and specialty crop areas, which include more than just the Holland Marsh in this Region.

In recognition of the importance of Agriculture to the economy of the GTA municipalities, the Regional Planning Commissioners of Ontario - GTA Caucus (Regions of Durham, Halton, Peel and York and the City of Toronto) and the GTA Federations of Agriculture have been working together over the two years to develop and promote agriculture in the GTA through the development of an Action Plan for Agriculture. The GTA Agricultural Action Plan represents a road map to maintain a healthy agricultural industry. Success of the Plan will be dependent on:

- Defining clear accountability
- Establishing cooperative working partnerships
- Drafting a clear framework for action
- Delivering a sense of ownership amongst stakeholders
- Raising awareness and understanding on a much broader public scale

The RPCO, Federation of Agriculture Action Plan provides a good blueprint for action, but the Provincial Government must commit to a leadership role in implementation.

Recommendation

It is recommended that:

The Task Force direction for Agricultural land protection and farm viability be supported;

The Provincial Government make a firm commitment to take leadership in the implementation of the Agricultural Action Plan as soon as possible.

4.2.2.3 Transportation and Infrastructure

Currently, infrastructure such as roads, rail lines, water and sewer lines, cross areas that may become part of a permanent greenbelt. The Task Force recognizes that population growth will require additional infrastructure in the Golden Horseshoe. Proposed approaches envision that Transportation and Infrastructure would be permitted within the Greenbelt if consistent with the Greenbelt Task Force Vision and Goals, located only where there is a demonstrated need, reinforce growth management and greenbelt objectives and consider emerging technologies, innovative design and appropriate balance of roads and transit.

Comment

Transportation and Infrastructure servicing are needed for a growing population and will be required to locate within and to cross the Greenbelt to service priority growth areas. These services should be permitted to locate in all areas and projects to service priority growth areas, expedited.

Many of the proposed approaches are already practiced by public authorities when undertaking these public works. If the Province intends to review the *Environmental Assessment Act*, then the review should be undertaken by an expert panel and ensure that the provisions and their application assists public authorities in providing cost effective, appropriate servicing in a timely and efficient fashion. Lengthy delays for approvals, duplication of effort by Provincial Ministry's must be eliminated and opportunities for streamlining the process should be investigated.

If the Greenbelt Plan must make statements on Transportation and Infrastructure they must be co-ordinated and integrated with the proposed Transportation strategy for the Golden Horseshoe. As a model, it is suggested Transportation and Infrastructure uses be permitted in all areas with provisions similar to those used in the Oak Ridges Moraine Conservation Plan.

Recommendation

It is recommended that:

Need for transportation and infrastructure services within and crossing the Greenbelt Plan area be recognized.

Services for priority growth areas be expedited.

The Province should review the *Environmental Assessment Act* to ensure that it assists public authorities in providing cost effective, appropriate servicing in a timely and efficient fashion and that opportunity for streamlining the environmental assessment process be investigated.

Within the Greenbelt Plan area, that provisions similar to those used in the Oak Ridges Moraine Conservation Plan wording be considered for Transportation and Infrastructure uses with need and justification determined through the Environmental Assessment process.

4.2.2.4 Natural Resources

The Task Force understands that natural resources, most significantly mineral aggregates, are essential building blocks for cities and necessary for the maintenance of existing infrastructure and industries in the Golden Horseshoe. There are economic and environmental benefits to protecting non-renewable mineral aggregate resources close to where they are needed. The Task Force wants to discuss how these valuable aggregate deposits can be protected from incompatible land use while protecting the environment,

and provisions for rehabilitation to support adjacent greenbelt functions once the resource is depleted.

Comment

Aggregate Resources in York Region are already protected within the Regional Official Plan and policies within the Oak Ridges Moraine Conservation Plan. No Recommendation on this aspect of the Greenbelt Plan is required.

4.2.2.5 Culture, Recreation and Tourism

The Task Force appreciates that culture, recreation and tourism in the Golden Horseshoe represent opportunities to celebrate, educate and promote quality of life in the greenbelt and the Golden Horseshoe. The Task Force promotes a network of public open spaces that showcase important cultural heritage, enhance recreational opportunities and trails, and celebrate tourism destinations for domestic and foreign visitors.

Comment

Culture Recreation and Tourism resource protection and promotion programs are already being undertaken within the public purview. As well such activities are supported in legislation and by funding of projects and programs from all government levels. The Region recommends that these programs be appropriately supported and that funding continue.

Recommendation:

It is recommended that current Culture Recreation and Tourism projects and programs continue and be appropriately supported and funded.

4.2.2.6 Administration and Implementation

The Task Force realizes that the administration and implementation of a regional greenbelt can be accomplished in a variety of ways. The Task Force promotes a proposed method that will ensure permanence and consistency while having regard to local differences and existing administrative frameworks. The Task Force will consider a model that will accomplish this while knitting together existing plans such as the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan.

Comment

The discussion paper reviews a number of different administration models and suggests that administration outside of the Niagara Escarpment Commission jurisdiction should occur through incorporation into municipal official plans in a consistent manner. Further the Task Force recommends that an appellate tribunal be responsible for up-holding the integrity of the Plan. Finally the Task Force recommends that a multi party working group be struck to formulate the Greenbelt Plan. The Greenbelt Plan would be subject to monitoring of performance standards and a 10-year review. Staff generally supports an approach that utilizes existing administration platforms, but recommends that

significantly more consultation with affected stakeholders occur before a final decision is made. Key issues, such as leadership, responsibility, accountability and financial arrangements for administration of the Greenbelt Plan have not been included and must be considered before final arrangements are made.

Recommendation

It is recommended that:

The Region generally support this approach as it utilizes existing administration platforms, but that significantly more consultation with affected stakeholders occurs before a final decision is made;

Key issues such as leadership, responsibility, accountability and financial arrangements for administration of the Greenbelt Plan have not been included and must be considered before final arrangements are made.

4.3 Issues not Considered in the Discussion Paper

4.3.1 Existing Policy Framework and Programs

The Greenbelt Discussion Paper, while reviewing regional planning efforts undertaken by the Province since the 1960's such as the Toronto Centred Region Plan (TCR) 1970, and the Central Ontario Lakeshore Urban Complex Plan 1974, makes no mention of the 30 year history of Regional and local Official Plan documents and the growth management, environmental protection policies, transportation planning and fiscal planning that are approved within them.

Similarly, the Greenbelt Discussion paper fails to acknowledge the new initiatives of Regional and area municipalities in the Golden Horseshoe to direct growth, provide for a balance between population and employment lands, secure and protect Key Natural heritage areas and linkages and provide for adequate transportation.

For example, in the past 5 years alone the Region of York has undertaken:

- The completion and endorsement of Vision 2026 and the Vision Report Card
- Release of the Transportation Master Plan
- Regional assumption of amalgamated Transit operations on January 1, 2001 and the YRT Quick Start initiative
- Implementation of the Oak Ridges Moraine Conservation Plan
- The York Region Greening Strategy and the Greenlands Property Securement Strategy
- The Human Services Strategy
- Adoption of the report of the Homelessness Task Force and the release of the Regional Housing Supply Strategy
- The Regional Centres and Corridors Strategy and the initiative of the Centres and Corridors and the concomitant Regional Official Plan Amendment (ROPA 43), as well as,

- The Agricultural Action Plan

These represent significant public policy initiatives that cannot be ignored. We recommend that the Task Force review the regional and municipal initiatives in their search for existing and emerging ways and means of establishing final recommendations on the Greenbelt Plan to the Province.

4.3.2 Financial Arrangements

On numerous occasions in the past, the Region of York has identified difficulties with current Provincial funding arrangements and the disincentives they provide in undertaking growth management, transit and housing.

For example, York Region, in partnership with others has developed an acquisition and securement strategy for key environmental lands. To date our program has annual funding of \$1.4 Million and with our partners has resulted in the securement of over 400 acres of priority Greenlands in the Region. These programs already in place and would serve as a model for the similar supportive Provincial Program.

The Greenbelt Plan must also provide for investment in stewardship, land securement, trails development and large scale parks. Similarly the Greenbelt Plan will not be implemented unless there is further investment in hard and human services to support an urban population. These include investment in transit, housing and roads and stable long-term funding to maintain this urban infrastructure. The financial package to support the Greenbelt Plan must be prepared at the same time as the Plan and other Provincial initiatives on growth management and transportation in south-central Ontario

Recommendation

It is recommended that:

The Task Force review regional and municipal Official Plans and initiatives in their search for existing and emerging means of establishing final recommendations on the Greenbelt Plan to the Province.

The Task Force review and consider acquisition and securement programs that already exist to serve as a model for supportive Provincial programs.

The financial package to support the Greenbelt Plan be prepared at the same time as the Greenbelt Plan and other Provincial initiatives on growth management and transportation in south-central Ontario

4.4 Greenbelt Task Force Public Consultation and Next Steps

The Greenbelt Task Force Committee has held a series of six public information sessions throughout the GTA, commencing in King City, on May 20, 2004 and finishing in Burlington on June 16, 2004. The Committee will continue to receive submissions on the discussion paper until July 16.

Following the public consultation period the Greenbelt Task Force will submit its final report to the government in late August.

In a manner similar to that utilized in preparations of the Oak Ridges Moraine Conservation Plan, the government will consider the task force's recommendations and proceed to formulate the draft Greenbelt Protection Plan for further public comments and finally for approval. It is not known at this time whether the Plan will be filed as a regulation, under the *Greenbelt Protection Act* in a similar fashion to the Oak Ridges Moraine Conservation Plan.

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

There are no financial or funding strategies attached to the Greenbelt Task Force's Vision and this may be one of the main difficulties with implementation.

Within York Region, substantial funding has been directed to securement of key environmental lands in a very successful securement program. Similarly, the greenbelt Task Force recognizes that maintenance of the agricultural base will need more than just a greenbelt Plan, there must be serious thought given to the financial drivers in the GTA, both in order to conserve the remaining agricultural lands and natural heritage elements, but also to establish the urban visions demanded by the PPS and Planning reforms. This final piece is missing from this Provincial works and from other Provincial initiatives so the financial implications of this proposed Greenbelt Plan cannot be determined at this time

6. LOCAL MUNICIPAL IMPACT

Area municipalities will be consulted on the Greenbelt Plan. A number either have prepared comments to the Task Force or are in the process of preparing reports. Regional staff will continue to discuss the Implications of the Greenbelt Plan and it's implementation with area municipalities.

7. CONCLUSION

The Greenbelt Task Force has suggested a number of approaches for achievement of a Greenbelt in the Golden Horseshoe that can be supported. The Greenbelt planning process should incorporate:

- A longer term Vision as described in Section 4.2.
- Provisions for Transportation and Infrastructure in all areas with provisions similar to those used in the Oak Ridges Moraine Conservation Plan.
- Protection strategies for wetlands (other than Provincially Significant wetlands), tableland woodlots and middle reaches of streams.
- Review of Regional and Local Official Plans and initiatives to obtain models and strategies for Greenbelt planning elements.
- Adequate long term funding, not only for stewardship and securement but for those hard and human services to support an urban population.

It is recommended that this report and its recommendations be submitted to the Greenbelt Task Force, to Ministry of municipal Affairs and Housing staff and be circulated to areas municipalities and interested stakeholders.

Staff will continue to be involved in the process towards the Greenbelt Plan and will report back to Committee and Council on an as-needed basis to advise on progress.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Regional Clerk's Office.)