

**PROPOSED *GREENBELT ACT* BILL 135
PROPOSED GREENBELT PLAN
COMMENTS TO THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING
GENERAL FILE 22.19**

Recommendation

The Commissioner of Planning recommends:

1. THAT the Minister of Municipal Affairs and Housing be advised of the following recommendations from the City of Vaughan with respect to Bill 135, the *Greenbelt Act*, and the draft Greenbelt Plan October 2004:
 - a. It is recommended that the Greenbelt Area in Vaughan be limited to the lands which are currently in public ownership, or are a part of the natural heritage system in Vaughan, which are currently designated in OPA 600 and OPA 601 the Kleinburg-Nashville Community Plan;
 - b. It is recommended that the Greenbelt Area designation be removed from the lands currently designated as Rural Use Area and Agricultural Area in OPA 600;
 - c. It is recommended that detailed mapping of the proposed Greenbelt Area be provided by the Province in order to better determine the precise extent of the proposed Greenbelt Area in Vaughan;
 - d. It is recommended that the finalization of the proposed *Greenbelt Act* and draft Plan be coordinated with the Greater Golden Horseshoe Growth Plan (Places to Grow) to ensure coordination and consistency as Vaughan is identified in Places to Grow as an area of growth, and has available infrastructure for growth ;
 - e. It is recommended that the comment period on the proposed *Greenbelt Act* and the draft Greenbelt Plan be extended from 30 days to 90 days to allow for further review of the economic and growth management implications of this strategy to be completed;
 - f. It is recommended that Bill 135 be amended to include provisions, similar to the *Oak Ridges Moraine Conservation Act*, exempting OMB appeals on official plans passed to be in conformity with the Greenbelt Plan;
 - g. It is recommended that any matters, applications, or proceedings which have commenced prior to December 16, 2004 which may be prescribed to conform to the *Greenbelt Act*, Bill 135 be determined prior to the finalization of the legislation in order to clarify the processing of transitional applications;
 - h. It is recommended that Bill 135 be amended to contain provisions to allow municipalities to be permitted to request that the Minister of Municipal Affairs and Housing review the Greenbelt Plan outside of the 10 year review of the Plan;
 - i. It is recommended that Bill 135 be amended to provide further clarification of the justification requirements for urban boundary expansions, and conversion of Greenbelt land requirements;

- j. It is recommended that any requirements for the adoption of site alteration by-laws or tree by-laws by the *Greenbelt Act* or Plan, be coordinated with the requirements of the *Oak Ridges Moraine Conservation Act* so that they are the same;
 - a. It is recommended that the Ministry of Municipal Affairs and Housing provide individual consultation sessions with municipalities prior to the finalization of the *Greenbelt Act* and the Greenbelt Plan, and additional support and consultation upon the final approval of the *Greenbelt Act* and Plan;
 - b. It is recommended that the Natural Heritage Policies be clarified, and that Natural Heritage Mapping be provided prior to the final approval of the Plan for review and comment; and
 - c. It is recommended that the Greenbelt Plan clearly define permitted recreation and tourism uses within the Greenbelt Area, both in the Natural System, and the Agricultural System.
2. THAT the Council Minutes be sent to the Regions of Durham, Peel, and York, and the Ministry of Municipal Affairs and Housing, Attention: Barbara Konyi, Manager- Planning Systems Provincial Planning & Environmental Services Branch 777 Bay Street, 14th Floor, Toronto, Ontario, M5G 2E5, and Victor Doyle, Manager Provincial Planning & Environmental Services Branch 777 Bay Street, 14th Floor, Toronto, Ontario, M5G 2E5.

Purpose

The purpose of this report is to update Committee on the draft Greenbelt Act and Greenbelt Plan, and provide comments to the Ministry of Municipal Affairs and Housing. Both the *Greenbelt Act* Bill 135, and the Greenbelt Plan have been posted on the Environmental Bill of Rights Environmental Registry, allowing for a 30 day comment period for the *Greenbelt Act*, Bill 135 and a 45 day comment period for the Greenbelt Plan. The Council minutes should be forwarded to the Ministry of Municipal Affairs and Housing to meet the comment deadlines in the Environmental Bill of Rights.

Background - Analysis and Options

Following the *Greenbelt Protection Act*, initiated on December 16, 2003, and the study of the Greenbelt Task Force, the Province has released a draft of the permanent legislation and plan to establish and protect a Greenbelt across the Golden Horseshoe. This is complementary to the Provincial Growth Management initiative "Places to Grow".

Proposed Greenbelt In Vaughan

The lands proposed to be included within the Greenbelt Area in Vaughan are detailed in Attachment #1. The proposed Greenbelt in Vaughan are lands within both OPA 600 and OPA 601 (the Kleinburg-Nashville Community Plan). The lands have been designated in these plans as Major Open Space and Valleylands, Valley and Stream Corridor, Rural Area, and Agricultural Area in addition to some estate residential areas.

The purpose of establishing a permanent greenbelt across the Greater Golden Horseshoe is to provide a land base to protect environmentally sensitive and agricultural lands in south-central Ontario. While it is recognized that there are significant natural heritage features which have been included within the greenbelt designation in Vaughan, these natural heritage features are afforded protection through their designation in the City's Official Plan Amendments 600 and 601, or are protected by current public ownership.

The lands included within the Greenbelt Area in Vaughan include a portion of lands with current major open space designations in OPA 600 and OPA 601 including:

- The Kortright Centre for Conservation, and additional lands north of the Kortright Centre within the East Humber River Valley owned by the TRCA and the Ontario Heritage Foundation;
- The valley systems of the East Humber River, the Main Humber River, and Cold Creek; and
- The Nashville Tract, owned by the TRCA.

The lands within the Greenbelt Area in Vaughan which are currently designated as Rural Use Area or Agricultural Area in OPA 600, do not include any specialty crop areas, such as those found in the Holland Marsh or the Niagara Peninsula. Additionally, these lands do not provide a substantive land base to ensure a thriving rural or agricultural economy.

The Places to Grow initiative had identified Vaughan as an area of future growth, with an east-west economic corridor. The greenbelt designations in Vaughan preclude the implementation of these growth areas which have infrastructure available for growth. The greenbelt designations have limited Vaughan's ability to grow by designating greenbelt areas immediately north of the existing urban boundary. This represents a significant conflict within these two Provincial initiatives which needs to be reconciled prior to the finalization of either of the Greenbelt Plan or Places to Grow.

The mapping provided by the Province for the draft Plan is not detailed enough to precisely interpret the mapping in relation to the impact of the Greenbelt in Vaughan.

Recommendation 1:

It is recommended that the Greenbelt Area in Vaughan be limited to the lands which are currently in public ownership, or are a part of the natural heritage system in Vaughan, which are currently designated in OPA 600 and OPA 601 the Kleinburg-Nashville Community Plan.

Recommendation 2:

It is recommended that the Greenbelt Area designation be removed from the lands currently designated as Rural Use Area and Agricultural Area in OPA 600.

Recommendation 3:

It is recommended that detailed mapping of the proposed Greenbelt Area be provided by the Province in order to better determine the precise extent of the proposed Greenbelt Area.

Recommendation 4:

It is recommended that the finalization of the proposed *Greenbelt Act* and draft Plan be coordinated with the Greater Golden Horseshoe Growth Plan (Places to Grow) to ensure coordination and consistency as Vaughan is identified in Places to Grow as an area of growth, and has available infrastructure for growth.

Proposed Greenbelt Act Bill 135

Greenbelt Act, Bill 135 was introduced into Legislature on October 28, 2004, and will take effect on December 16, 2004, when the *Greenbelt Protection Act*, the Act which established the moratorium on development within the Greenbelt Study Area, sunsets. Bill 135 is attached as Attachment #2.

The purpose of the Bill is to provide for the establishment of a permanent greenbelt across the Golden Horseshoe by designating a Greenbelt Area creating a Greenbelt Plan for the Greenbelt Area. The Bill also includes provisions for dealing with matters such as the plan amendment process, conformity of planning decisions, transition issues, implementing regulations, the appointment of an advisory council, and consequential amendments to other Acts.

The Bill defines the area of the Greenbelt as including the lands within the Oak Ridges Moraine Conservation Plan area, the Niagara Escarpment Area, and additional lands as determined by Minister's regulation. Attachment #1 shows the lands in Vaughan proposed to be included within the Greenbelt Area. The Act also establishes the framework for a Greenbelt Plan. The Greenbelt Plan is included as Attachment #3, and discussed below.

Both the *Greenbelt Act* Bill 135, and the Greenbelt Plan have been posted on the Environmental Bill of Rights Environmental Registry, allowing for a 30 day comment period for the *Greenbelt Act*, Bill 135 and a 45 day comment period for the Greenbelt Plan. Comments on the *Greenbelt Act* are due on November 27, 2004, and comments on the Greenbelt Plan are due on December 12, 2004. It is understood that these deadlines are required to meet the December 16, 2004 deadline for the *Greenbelt Protection Act*. However, given the implications of the proposed Act and plan across the Golden Horseshoe, and the lack of detailed mapping supporting these documents, additional review time would be more appropriate in order for municipalities to consider the growth management and economic implications of this plan.

Recommendation 5:

It is recommended that the comment period on the proposed *Greenbelt Act* and the draft Greenbelt Plan be extended from 30 days to 90 days to allow for further review of the economic and growth management implications of this strategy to be completed.

Conformity

Decisions made under the *Ontario Planning and Development Act*, the *Planning Act*, and the *Condominium Act* in relation to a prescribed matter are required to conform with the Greenbelt Plan. Lands within the Niagara Escarpment Plan Area or Oak Ridges Moraine Area are subject to their own legislation. No additional level of protection is offered through the *Greenbelt Act*, however, the Act proposes modifications to the *Oak Ridges Moraine Conservation Act*, and the Niagara Escarpment Planning and Development Act in order to provide coordination of implementation.

A municipality is restricted from passing a by-law or undertaking any municipal operations or public works which conflicts with the Greenbelt Plan. The Greenbelt Plan also prevails in the case of a conflict between the Greenbelt Plan, the City's Zoning By-law or Official Plan, or a Provincial Policy Statement issued under section 3 of the *Planning Act*.

The City is required to amend its official plan to conform with the Greenbelt Plan. The legislation states that conformity of official plans should occur with the usual 5 year review of the City's Official Plan. However, in the interim, the Greenbelt Plan supercedes all other planning documents for the Greenbelt Area in Vaughan.

The proposed *Greenbelt Act* and Plan impacts the lands covered by both OPA 600 and some lands in OPA 601 (the Kleinburg-Nashville Community Plan). Amendments to both Official Plans would be required in order to bring them into conformity with the Greenbelt Plan.

Unlike the *Oak Ridges Moraine Conservation Act*, the *Greenbelt Act* does not provide municipalities which are required to amend their official plans to conform to the *Greenbelt Act*, protection from OMB appeals.

Recommendation 6:

It is recommended that Bill 135 be amended to include provisions, similar to the *Oak Ridges Moraine Conservation Act*, exempting OMB appeals on official plans passed to be in conformity with the Greenbelt Plan.

Transition Provisions

The *Greenbelt Act* includes provisions for the transitional implementation of the Greenbelt Plan. The transitions provision have been simplified from the ORMCA by clarifying that the provision to conform to the Greenbelt Plan applies only to those applications, matters, or proceedings which have commenced on or after December 16, 2004, relating to lands designated as "Protected Countryside" in the Greenbelt Plan. However, despite the non-application of the Greenbelt Plan to those applications commenced before December 16, 2004, the Minister may prescribe by Regulation that certain applications which have been commenced before December 16, 2004 may be subject to the some or all of the Greenbelt Plan.

The Act describes that an application shall be deemed to have commenced, and therefore exempt from the Greenbelt Plan if the following has occurred before December 16, 2004;

- "(a) in the case of an official plan or its amendment or repeal, on the day the by-law adopting the plan, amendment or repeal is passed;*
- (b) in the case of a request for an official plan amendment by any person or public body, on the day the request is received, whether the amendment is adopted or not;*
- (c) in the case of a zoning by-law or its amendment, including an interim control by-law, on the day the by-law is passed;*
- (d) in the case of an application for an amendment to a zoning by-law, on the day the application is made;*
- (e) in the case of development in a site plan control area, on the day the application under subsection 41 (4) of the Planning Act is made;*
- (f) in the case of an application for a minor variance under section 45 of the Planning Act, on the day the application is made;*
- (g) in the case of an application to amend or revoke an order under section 47 of the Planning Act, on the day the application is made;*
- (h) in the case of an application for approval of a plan of subdivision under section 51 of the Planning Act or approval or exemption from approval for a condominium under section 9 of the Condominium Act, 1998, on the day the application is made;*
- (i) in the case of an application for a consent under section 53 of the Planning Act, on the day the application is made"* [Section 24(4)]

Notwithstanding the above, the *Greenbelt Protection Act*, the Act which established the moratorium on Planning applications within the Greenbelt, prevents applications from being made within the Greenbelt Study Area prior to the sunset of the Act on December 16, 2004.

Applications currently located within the Greenbelt Study Area are listed below. Once the *Greenbelt Protection Act* ends on December 16, 2004, these applications should be able to proceed unless the Minister prescribes them to be subject to the *Greenbelt Act* and Plan. It has

not been determined at this time whether the Minister will prescribe any applications or matters to conform with the Act and Plan. This should be clarified prior to the finalization of the legislation.

	Application	Applicant	Location	Purpose
1	Z.03.045 & OP.03.019	Shell Canada Products	2270 Teston Road	Gas Station
2	Z.00.071	922948 Ontario Limited (Lisi)	4130 King-Vaughan Rd.	Severance Residential
3	Z.00.075	Beryl & Ian Fraser	4900 King-Vaughan Rd.	Severance Residential
4	Z.01.052, B76/03, B77/03	Bostock	11410 Pine Valley Drive	Severance Residential
5	Z.01.026 & 19T-01V05	1132884 Ontario Inc.	11720 Highway 27	Estate Residential Sub
6	Z.00.064 & OP.00.014	Plummer	10901 Highway 50	Highway Commercial
7	Z.01.085 & OP.01.017	Vitullo/Livingston	Highway 50	Highway Commercial
8	Z.03.044 & OP.03.018	Bulk Transfer Systems	11339 Albion-Vaughan Rd.	Highway Commercial

Recommendation 7:

It is recommended that any matters, applications, or proceedings which have commenced prior to December 16, 2004 which may be prescribed to conform to the *Greenbelt Act*, Bill 135 be determined prior to the finalization of the legislation in order to clarify the processing of transitional applications.

Review of the Greenbelt Plan

The Greenbelt Plan will be reviewed every 10 years. A 10 year review of the Plan is proposed to assess the effectiveness of the policies contained in the Plan and make amendments, if appropriate, or to update or include new information and/or improve the effectiveness and relevance of the policies. This review would be coordinated with the review of the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. The review could only consider modifications to the urban boundaries if the upper or single tier municipality provides a comprehensive justification study. The requirements of such a justification study are unknown at this time.

Amendments to the Greenbelt Plan can only be proposed by the Minister of Municipal Affairs and Housing. Amendments may be considered outside of the 10-year review under certain circumstances, such as if there are major unforeseen circumstances or new Provincial policy/legislation resulting in need for an amendment. Amendments could not have the effect of reducing the total land area within the Greenbelt Plan. This would mean that any conversion of Greenbelt area to urban area would require a replacement of Greenbelt lands elsewhere.

The Plan would be monitored to evaluate the effectiveness of the Plan in achieving its goals, with performance measures established through the Ministry's Municipal Performance Measurement Program. The Ministry would work with other provincial ministries, municipalities, and stakeholders in monitoring and identifying performance measures.

The Plan would also provide direction for the establishment of a Greenbelt Advisory Council that could include representatives from a range of sectors. The Council could initially provide advice on the establishment of performance measures, and later play a role in monitoring and the 10-year review.

Recommendation 8:

It is recommended that Bill 135 be amended to contain provisions to allow municipalities to be permitted to request that the Minister of Municipal Affairs and Housing review the Greenbelt Plan outside of the 10 year review of the Plan.

Recommendation 9:

It is recommended that Bill 135 be amended to provide further clarification on the justification requirements for urban boundary expansions, and conversion of Greenbelt land requirements.

Additional Powers

If a matter relating to land within the areas designated as Protected Countryside in the Greenbelt Plan is appealed or referred to the Ontario Municipal Board, whether before or after this act comes into force, the Minister may defer the matter and stay the appeal or referral. Further, the Act establishes rules and procedures for a hearing if such a matter has been stayed by the Minister.

This Act allows the Lieutenant Governor in Council to make additional regulations prescribing additional objectives for the Greenbelt Plan, or vary, supplement, or override any provision of the Oak Ridges Moraine Conservation Plan or the Niagara Escarpment Plan in order to facilitate the effective operation of the Greenbelt Plan. Regulations made under these sections may be retroactive to December 16, 2004.

The Minister, may, by Regulation, require municipalities within the Greenbelt to adopt tree by-laws or site alteration by-laws under the *Municipal Act*, and prescribe the by-law provisions and allow for additional powers than those currently permitted by the *Municipal Act*.

Recommendation 10:

It is recommended that any requirements for the adoption of site alteration by-laws or tree by-laws by the *Greenbelt Act* or Plan, be coordinated with the requirements of the *Oak Ridges Moraine Conservation Act* so that they are the same.

Consultation

The government is conducting consultation on its draft Greenbelt Plan. Town Hall Meetings/Public Information Sessions and Stakeholder Workshops will begin November 8, 2004, at locations across the Golden Horseshoe. The input received during these consultations will help the Province to finalize its plan for permanent greenbelt protection.

The consultation sessions are as follows:

November 8, 2004	Markham	Markville Secondary School
November 10, 2004	Oakville	Oakville Convention Centre
November 15, 2004	Toronto	Ontario Science Centre
November 16, 2004	Burlington	Burlington Royal Botanical Gardens
November 18, 2004	Stoney Creek	Liuna Gardens Convention & Banquet Hall
November 23, 2004	St. Catharines	Quality Hotel and Convention Centre
November 25, 2004	Oshawa	YWCA Durham

November 29, 2004	Caledon	Caledon Community Centre
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Staff will be in attendance at the November 8, 2004 sessions both in the afternoon for the stakeholder workshop, and in the evening for the public session. To date, no consultation sessions have been scheduled with individual municipalities with the Province.

Recommendation 11:

It is recommended that the Ministry of Municipal Affairs and Housing provide individual consultation sessions with municipalities prior to the finalization of the Greenbelt Act and the Greenbelt Plan, and additional support and consultation upon the final approval of the Greenbelt Act and Plan.

Draft Greenbelt Plan (October 2004)

The Greenbelt Plan (Attachment #3) establishes policies with respect to areas designated as "Protected Countryside". Within the Protected Countryside there would be Geographic Specific Policy Areas as well as General Policies governing particular land uses, as outlined below. The Geographic Specific Policy Areas would apply to an Agricultural System, a Natural System, Settlement Areas and Parkland, Open Space and Trails. Outside Settlement Areas, proposals for development would be required to conform to the relevant, and more restrictive, environmental policies where the Agricultural and Natural Systems overlap.

Geographic Specific Policy Areas

I. Agricultural System

The Agricultural System would provide a continuous and permanent land base necessary to support long-term agricultural production and economic activity. It would be made up of Specialty Crop Areas (the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh), Prime Agricultural Areas, and Rural Areas. A Land Evaluation and Area Review (LEAR) undertaken by the Ministry of Agriculture and Food, as well as a consideration of long-term urban growth patterns, guided the delineation of the Agricultural System.

The Agricultural System policies prohibit urban expansions on to, and the redesignation of, Specialty Crop Lands; and, prohibit the redesignation of prime agricultural lands for non-agricultural uses and considers the modest expansion of existing rural communities at the time of 10-year review of the Greenbelt. Prime agricultural lands within the Greenbelt Area cannot be redesignated for non-agricultural uses, nor can urban expansion occur within Prime Agricultural areas in municipal Official Plans.

New multiple units of lots for permanent residential dwellings (i.e., estate residential, adult lifestyle, or retirement communities) are not permitted in the Rural Areas.

The Greenbelt Plan defers to local official plans for the exact delineation of prime agricultural and rural lands within the Agricultural System, and Settlement Areas within the Greenbelt Area. Municipalities are permitted to reassess their municipal designations for prime agricultural and rural/open space lands when official plans are amended to conform with the Greenbelt Plan.

II. Natural System

The Natural System policies would provide a continuous and permanent land base necessary to sustain human and ecological health in the Greenbelt and beyond. It would protect areas of significant and/or sensitive natural heritage, hydrological and landform values. The Natural

System would be made up of a Natural Heritage System and a Water Resource System which comprise key natural heritage features and key hydrological features.

Key natural heritage features and key hydrological features include significant habitat of endangered, threatened, or provincially rare species; fish habitat; wetlands; life science areas of natural and scientific interest; significant valleylands; significant woodlands; significant wildlife habitat; sandbarrens and savannahs; alvars; streams; natural lakes and shorelines; seepage areas and springs; and wetlands.

The Natural System policies provides protection for key natural heritage features and key hydrologic features by prohibiting development or site alteration within them; and identify a long-term natural heritage system to direct how permitted future land use changes retain and enhance the natural connections between features; and protect water resources by protecting water related features from development or site alteration and restricting uses with a high potential for contamination of water resources.

Key hydrologic and natural heritage features are subject to the policies of the Greenbelt Plan whether they are within or beyond the limits of the designated Natural Heritage System. Development and site alteration is not permitted within the key natural heritage features or key hydrologic features within the Natural Heritage System.

The plan also provides requirements for appropriate vegetative protection zones to be established adjacent to a key natural heritage feature or key hydrologic features. Minimum vegetative protection zone (buffers) of 30m are required for wetlands, fish habitat, significant woodlands, streams and their meander belt, and natural lakes and shorelines.

Official Plan Amendments 600 and 601 (the Kleinburg-Nashville Community Plan) identify major valleylands and open space systems within the proposed Greenbelt Area including the valleys of the Main and East branches of the Humber River, and Cold Creek, in addition to other tributary valley and stream corridors, and terrestrial features. It is anticipated that these features, and potentially others, will be identified within the Greenbelt in Vaughan. At this time, the mapping of these features has not been provided.

Recommendation 12:

It is recommended that the Natural Heritage Policies be clarified, and that Natural Heritage Mapping be provided prior to the final approval of the Plan for review and comment.

III. Parkland, Open Space and Trails

Parkland, Open Space and Trails policies provide opportunities for recreation, tourism and cultural/natural heritage appreciation in addition to supporting environmental protection. The Plan encourages 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.

Recommendation 13:

It is recommended that the Greenbelt Plan clearly define permitted recreation and tourism uses within the Greenbelt Area, both in the Natural System, and the Agricultural System.

IV. Settlement Areas

Settlement Areas policies would support and provide significant economic, social and commercial functions to the rural and agricultural area. The Plan would identify both Towns and Villages, which have the largest concentrations of population, employment and development, and Hamlets,

which are smaller rural settlements. 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. There are no Settlement Areas or Town and Villages within the proposed Greenbelt Area in Vaughan. There are Settlement Areas which have been designated within the Oak Ridges Moraine Area, which are governed by the policies of the *Oak Ridges Moraine Conservation Act* and Plan.

General Policies For the Protected Countryside

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

The proposed Plan would permit municipalities and planning approval authorities to adopt environmental policies that are more stringent than the Plan. However, municipalities and planning approval authorities could not be more restrictive than the Plan or the Provincial Policy Statement (PPS) regarding agriculture and mineral aggregate resources.

Existing Uses

All legal uses, existing prior to the enactment of the *Greenbelt Act* are permitted within the Protected Countryside. Single dwellings are also permitted on existing lots of record, provided they were zoned for such use as of the date the Greenbelt Plan comes into effect. Expansions to existing buildings and structures and accessory uses are permitted in the Protected Countryside, outside of Settlement Areas, provided that the expansion does not require new urban servicing; and does not expand into key natural heritage and key hydrologic features, unless there is no other alternative in which case the expansion should be limited in nature and kept within close proximity to the existing structure.

Expansions to existing agricultural buildings and structures, residential dwellings and accessory uses to both, can be considered within key natural heritage and key hydrologic features if there is no alternative and the expansion, alteration or establishment is directed away from the feature to the extent possible; and the expansion or alteration minimizes its impact on the feature and its functions to the extent possible.

Infrastructure

The Greenbelt Plan provides that all infrastructure that is approved under the *Ontario Environmental Assessment Act*, by the National Energy Board, the *Canadian Environmental Assessment Act*, or similar environmental approval is considered essential and is permitted within the Protected Countryside, subject to the policies of this section and provided it meets objectives detailed in the Plan. These objectives include providing infrastructure to accommodate the significant growth and economic development expected in Southern Ontario, the proposed Greater Golden Horseshoe Growth Plan contemplates that growth will occur south of the Greenbelt in the GTA and around existing priority growth centres in Southern Ontario.

Vaughan Vision 2007

The recommendations in this report is consistent with the provisions of Vaughan Vision relating to ensuring City wide protection of the environment, encouraging preservation of significant natural areas, and strengthening the relationship with other government authorities and agencies.

Conclusion

The Ministry of Municipal Affairs and Housing has released a draft of the Greenbelt Plan and the *Greenbelt Act*, which will provide a permanent Greenbelt across the Greater Golden Horseshoe, linking the Oak Ridges Moraine, and the Niagara Escarpment.

The *Greenbelt Act* and Plan have designated portions of north-west Vaughan for inclusion into the Greenbelt Area. Coordination with the Greenbelt Plan, and the forthcoming Greater Golden Horseshoe Growth Management Plan is necessary in order to avoid conflicts between the two Provincial initiatives. To date, the draft Greenbelt Plan, and the draft Places to Grow Plan appear to be in conflict.

Recommendations have been made on the draft *Greenbelt Act*, Bill 135, and the draft Greenbelt Plan. These recommendations should be forwarded to the Province for their review in the finalization of the Greenbelt Strategy as per the requirements of the Environmental Bill of Rights, Environmental Registry posting.

Attachments

1. Proposed Greenbelt Area in Vaughan
2. Proposed Greenbelt Act, Bill 135
3. Draft Greenbelt Plan, October 2004

Report prepared by:

Karen Antonio-Hadcock, Senior Planner, Environmental, extn. 8630.

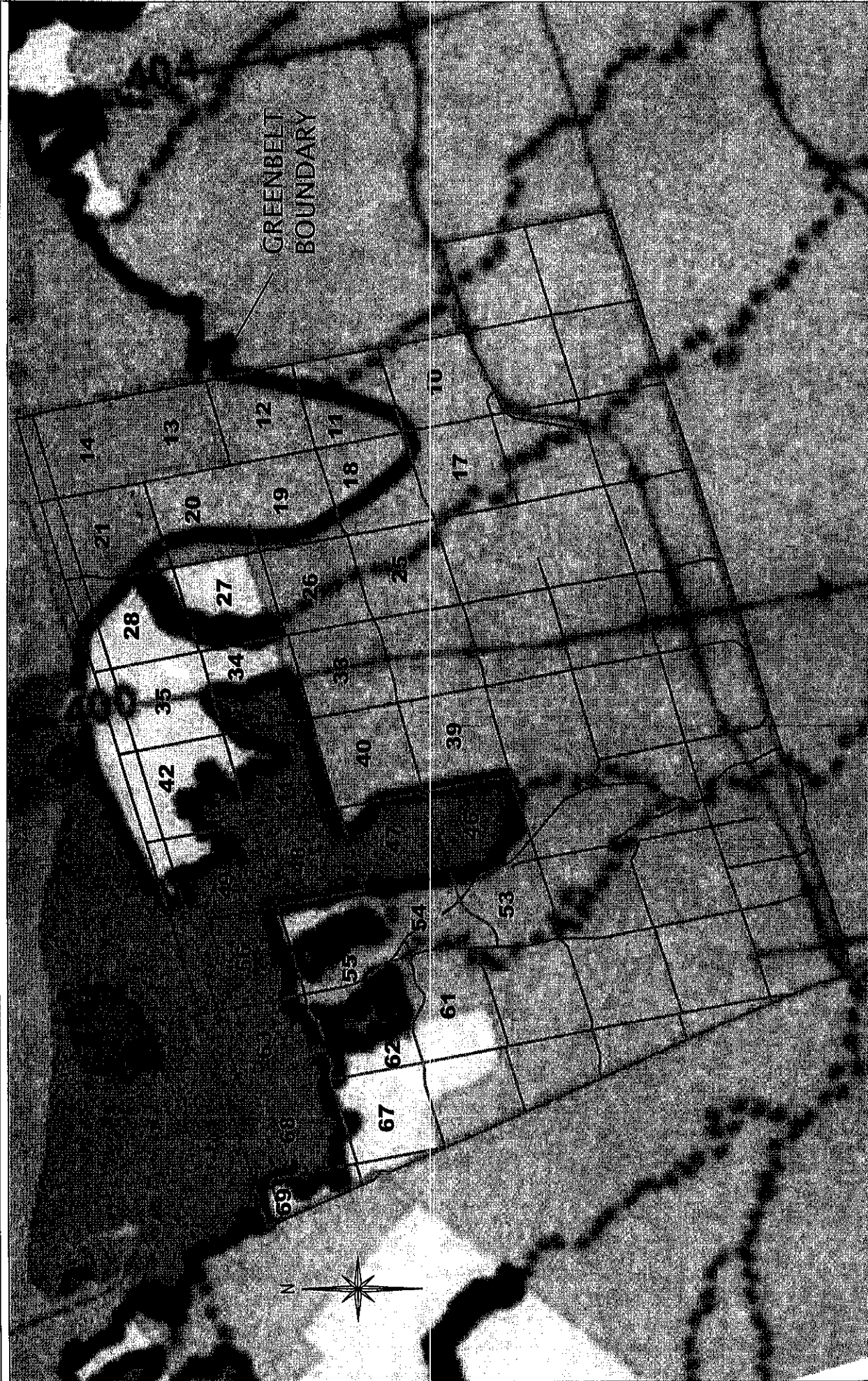
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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**Greenbelt Area
In Vaughan**

APPLICANT:
CITY OF VAUGHAN

N:\QFT\Environmental\Green Belt Study\Vaughan Green Belt



Development Planning Department

Attachment 1
FILE No.:
22.19
Not to Scale
November 4, 2004



1ST SESSION, 38TH LEGISLATURE, ONTARIO
53 ELIZABETH II, 2004

1^{re} SESSION, 38^e LÉGISLATURE, ONTARIO
53 ELIZABETH II, 2004

Bill 135

Projet de loi 135

**An Act to establish
a greenbelt area and to make
consequential amendments to the
Niagara Escarpment Planning and
Development Act, the Oak Ridges
Moraine Conservation Act, 2001 and
the Ontario Planning and
Development Act, 1994**

**Loi établissant la zone
de la ceinture de verdure
et apportant des modifications
corrélatives à la Loi sur la
planification et l'aménagement
de l'escarpement du Niagara,
à la Loi de 2001 sur la conservation
de la moraine d'Oak Ridges
et à la Loi de 1994 sur la planification
et l'aménagement du territoire
de l'Ontario**

The Hon. J. Gerretsen
Minister of Municipal Affairs
and Housing

L'honorable J. Gerretsen
Ministre des Affaires municipales
et du Logement

Government Bill

Projet de loi du gouvernement

1st Reading October 28, 2004
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 28 octobre 2004
2^e lecture
3^e lecture
Sanction royale



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et à la Loi de 1994 sur la planification
et l'aménagement du territoire
de l'Ontario**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions and interpretation

1. (1) In this Act,

“Greenbelt Area” means the area of land designated under section 2; (“zone de la ceinture de verdure”)

“Greenbelt Plan” means the plan established under section 3; (“Plan de la ceinture de verdure”)

“local board” has the same meaning as in the *Municipal Affairs Act*, but does not include a board as defined in subsection 1 (1) of the *Education Act*; (“conseil local”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“municipal planning authority” means a municipal planning authority established under section 14.1 of the *Planning Act*; (“office d'aménagement municipal”)

“Niagara Escarpment Plan” means the plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; (“plan de l'escarpement du Niagara”)

“Oak Ridges Moraine Conservation Plan” means the plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*; (“Plan de conservation de la moraine d'Oak Ridges”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“Protected Countryside” means the areas designated as Protected Countryside in the Greenbelt Plan; (“campagne protégée”)

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Définitions et interprétation

1. (1) Les définitions qui suivent s'appliquent à la présente loi.

«campagne protégée» Les zones désignées comme «campagne protégée», au sens de «Protected Countryside», dans le Plan de la ceinture de verdure. («Protected Countryside»)

«conseil local» S'entend au sens de la *Loi sur les affaires municipales*, à l'exclusion d'un conseil au sens du paragraphe 1 (1) de la *Loi sur l'éducation*. («local board»)

«ministre» Le ministre des Affaires municipales et du Logement. («Minister»)

«office d'aménagement municipal» Office d'aménagement municipal créé en vertu de l'article 14.1 de la *Loi sur l'aménagement du territoire*. («municipal planning authority»)

«organisme public» Municipalité ou conseil local, ou ministère, département, conseil, commission, organisme ou fonctionnaire d'un gouvernement provincial ou du gouvernement fédéral, ou Première nation. («public body»)

«Plan de conservation de la moraine d'Oak Ridges» Le plan établi en vertu de l'article 3 de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges*. («Oak Ridges Moraine Conservation Plan»)

«plan de l'escarpement du Niagara» Le plan établi en application de l'article 3 de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara*. («Niagara Escarpment Plan»)

Not a regulation

(4) The Greenbelt Plan is not a regulation within the meaning of the *Regulations Act*.

Retroactive operation

(5) The Greenbelt Plan takes effect on the date specified in it which may be retroactive to a date no earlier than December 16, 2004.

No derogation from existing plans

4. Subject to clause 22 (1) (c), nothing in this Act derogates from the provisions of the *Oak Ridges Moraine Conservation Act, 2001* or the *Niagara Escarpment Planning and Development Act* in respect of applications, matters or proceedings relating to the Oak Ridges Moraine Conservation Plan or the Niagara Escarpment Plan.

Objectives

5. The objectives of the Greenbelt Plan are,

- (a) to establish a network of countryside and open space areas which supports the Oak Ridges Moraine and the Niagara Escarpment;
- (b) to sustain the countryside and rural communities;
- (c) to preserve agricultural land as a continuing commercial source of food and employment;
- (d) to recognize the critical importance of the agriculture sector to the regional economy;
- (e) to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the Greenbelt Area;
- (f) to promote connections between lakes and the Oak Ridges Moraine and Niagara Escarpment;
- (g) to provide open space and recreational, tourism and cultural heritage opportunities to support the social needs of a rapidly expanding and increasingly urbanized population;
- (h) to promote linkages between ecosystems and provincial parks or public lands;
- (i) to control urbanization of the lands to which the Greenbelt Plan applies;
- (j) to ensure that the development of transportation and infrastructure proceeds in an environmentally sensitive manner;
- (k) to promote sustainable resource use;
- (l) any other prescribed objectives.

Content of plan

6. (1) The Greenbelt Plan may set out policies with respect to the lands to which the Greenbelt Plan applies, including,

- (a) land use designations;

Non-assimilation à un règlement

(4) Le Plan de la ceinture de verdure n'est pas un règlement au sens de la *Loi sur les règlements*.

Effet rétroactif

(5) Le Plan de la ceinture de verdure prend effet à la date qui y est précisée, laquelle peut être rétroactive à une date qui n'est pas antérieure au 16 décembre 2004.

Aucune dérogation aux plans existants

4. Sous réserve de l'alinéa 22 (1) c), la présente loi n'a pas pour effet de porter atteinte aux dispositions de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges* ou de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara* à l'égard des demandes, des affaires ou des procédures qui se rapportent au Plan de conservation de la moraine d'Oak Ridges ou au plan de l'escarpement du Niagara.

Objectifs

5. Les objectifs du Plan de la ceinture de verdure sont les suivants :

- a) établir un réseau de zones de campagne et d'espaces libres appuyant la moraine d'Oak Ridges et l'escarpement du Niagara;
- b) maintenir la campagne et les collectivités rurales;
- c) préserver les terres agricoles comme source commerciale continue d'aliments et d'emplois;
- d) reconnaître l'importance vitale du secteur agricole pour l'économie régionale;
- e) protéger le territoire nécessaire pour maintenir, rétablir et renforcer les fonctions écologiques et hydrologiques de la zone de la ceinture de verdure;
- f) favoriser des liens entre les lacs et la moraine d'Oak Ridges et l'escarpement du Niagara;
- g) prévoir des espaces libres et des occasions de loisirs, de tourisme et d'appréciation du patrimoine culturel pour répondre aux besoins sociaux d'une population en croissance rapide et de plus en plus urbanisée;
- h) favoriser des liens entre les écosystèmes et les parcs provinciaux ou les terres publiques;
- i) contrôler l'urbanisation des biens-fonds visés par le Plan de la ceinture de verdure;
- j) veiller à ce que l'aménagement des transports et des infrastructures se fasse d'une manière respectueuse de l'environnement;
- k) promouvoir l'utilisation durable des ressources;
- l) tout autre objectif prescrit.

Contenu du plan

6. (1) Le Plan de la ceinture de verdure peut énoncer des politiques à l'égard des biens-fonds qu'il vise, y compris :

- a) des désignations d'utilisation des terres;

Actions to conform to plan

(3) Despite any other Act, no municipality or municipal planning authority shall, within the areas to which the Greenbelt Plan applies,

- (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Greenbelt Plan; or
- (b) pass a by-law for any purpose that conflicts with the Greenbelt Plan.

Comments, advice

(4) Comments, submissions or advice provided by a minister of the Crown, a ministry, board, commission or agency of the Government of Ontario or a conservation authority established under section 3 of the *Conservation Authorities Act* that affect a planning matter relating to lands to which the Greenbelt Plan applies shall conform with the Greenbelt Plan.

Conflicts with Greenbelt Plan

8. (1) Despite any other Act, the Greenbelt Plan prevails in the case of a conflict between the Greenbelt Plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) a policy statement issued under section 3 of the *Planning Act*.

Same

(2) Despite any other Act, if there is a conflict between the Greenbelt Plan and either the Oak Ridges Moraine Conservation Plan or the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan or the Niagara Escarpment Plan, as the case may be, prevails over the Greenbelt Plan in its area of application.

Conformity

9. The council of a municipality located within any of the areas designated as Protected Countryside in the Greenbelt Plan shall, no later than the date the council is required to make a determination under subsection 26 (1) of the *Planning Act*, amend every official plan to conform with the Greenbelt Plan.

Regular reviews of plan

10. (1) The Minister shall, in conjunction with the reviews carried on under section 17 of the *Niagara Escarpment Planning and Development Act* and under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*, ensure that a review of the Greenbelt Plan is carried out every 10 years after the date the Greenbelt Plan comes into force to determine whether it should be revised.

Consultation and public participation

(2) During a review under subsection (1), the Minister shall,

Conformité des mesures au plan

(3) Malgré toute autre loi, nulle municipalité ou nul office d'aménagement municipal ne doit, dans les zones visées par le Plan de la ceinture de verdure :

- a) entreprendre des travaux publics, des travaux d'amélioration de constructions ou d'autres ouvrages qui sont incompatibles avec le plan;
- b) adopter un règlement municipal à une fin incompatible avec le plan.

Commentaires et conseils

(4) Les commentaires, observations ou conseils que fournissent un ministre de la Couronne, un ministère, un conseil, une commission ou un organisme du gouvernement de l'Ontario ou un office de protection de la nature créé en vertu de l'article 3 de la *Loi sur les offices de protection de la nature* et qui touchent une question d'aménagement qui se rapporte à des biens-fonds visés par le Plan de la ceinture de verdure doivent être conformes à celui-ci.

Incompatibilité avec le Plan de la ceinture de verdure

8. (1) Malgré toute autre loi, le Plan de la ceinture de verdure l'emporte sur les dispositions incompatibles :

- a) soit d'un plan officiel;
- b) soit d'un règlement municipal de zonage;
- c) soit d'une déclaration de principes faite en vertu de l'article 3 de la *Loi sur l'aménagement du territoire*.

Idem

(2) Malgré toute autre loi, le Plan de conservation de la moraine d'Oak Ridges ou le plan de l'escarpement du Niagara, selon le cas, l'emporte sur les dispositions incompatibles du Plan de la ceinture de verdure dans son territoire d'application.

Conformité

9. Au plus tard à la date où il est tenu d'effectuer la détermination prévue au paragraphe 26 (1) de la *Loi sur l'aménagement du territoire*, le conseil d'une municipalité située dans une zone désignée comme campagne protégée, au sens de «Protected Countryside», dans le Plan de la ceinture de verdure modifie les plans officiels pour qu'ils soient conformes à celui-ci.

Examen régulier du plan

10. (1) Le ministre, conjointement avec les examens effectués en application de l'article 17 de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara* et de l'article 3 de la *Loi de 2001 sur la conservation de la moraine d'Oak Ridges*, veille à ce qu'un examen du Plan de la ceinture de verdure soit effectué une fois tous les 10 ans après sa date d'entrée en vigueur afin de déterminer s'il est nécessaire de le réviser.

Consultations et participation du public

(2) Dans le cadre de l'examen prévu au paragraphe (1), le ministre fait ce qui suit :

- (b) appoint a hearing officer to conduct a hearing with respect to the proposed amendment and make a written report on it.

Limitation

(2) The Minister shall not recommend a proposed amendment under clause (1) (a) if the proposed amendment has the effect of reducing the total land area within the Greenbelt Plan.

Hearing officer

13. (1) If a hearing officer is appointed under subsection 12 (1), the hearing officer shall fix the time and place for the hearing and give notice of the hearing in the prescribed manner and to the prescribed persons and public bodies.

Time of hearing

(2) At least 30 days notice shall be given before the hearing is held.

Procedures

(3) The hearing officer may adopt rules of procedure for the hearing.

Protection from personal liability

(4) A hearing officer is not personally liable for anything done by him or her in good faith in the execution of his or her duty under this Act or for any neglect or default in the execution in good faith of his or her duty.

Report

(5) Not more than 30 days after the conclusion of the hearing or within such extended time as the Minister determines, the hearing officer shall make a written report to the Minister and to the prescribed persons and public bodies recommending whether the Lieutenant Governor in Council should approve the proposed amendment, in whole or in part, make modifications and approve the amendment as modified or refuse the proposed amendment, in whole or in part, and giving reasons for the recommendation.

Recommendation to L.G. in C.

(6) The Minister, upon receiving the written report of the hearing officer, shall consider the report and shall submit it to the Lieutenant Governor in Council with such recommendations in respect of the proposed amendment as the Minister considers appropriate, which recommendations may vary from those set out in the report of the hearing officer.

Limitation

(7) The Minister shall not recommend a proposed amendment under subsection (6) if the proposed amendment has the effect of reducing the total land area within the Greenbelt Plan.

Decision of L.G. in C.

14. (1) After considering the recommendations under section 12 or 13, the Lieutenant Governor in Council may approve the proposed amendment, in whole or in part,

- b) soit nommer un agent enquêteur afin qu'il tienne une audience au sujet de la modification proposée et présente un rapport écrit à son égard.

Restriction

(2) Le ministre ne doit pas recommander en vertu de l'alinéa (1) a) une modification proposée qui aurait pour effet de réduire la superficie totale du territoire visé par le Plan de la ceinture de verdure.

Agent enquêteur

13. (1) L'agent enquêteur nommé en vertu du paragraphe 12 (1) fixe la date, l'heure et le lieu de l'audience et en avise de la manière prescrite les personnes et organismes publics prescrits.

Moment de l'audience

(2) Il est donné un préavis d'au moins 30 jours de l'audience.

Règles de procédure

(3) L'agent enquêteur peut adopter des règles de procédure pour la tenue de l'audience.

Immunité

(4) L'agent enquêteur n'engage aucunement sa responsabilité personnelle pour un acte accompli de bonne foi dans l'exécution des fonctions que lui attribue la présente loi ou pour une négligence ou un manquement commis dans l'exécution de bonne foi de ses fonctions.

Rapport

(5) Dans les 30 jours qui suivent la fin de l'audience ou dans le délai plus long que fixe le ministre, l'agent enquêteur présente au ministre et aux personnes et organismes publics prescrits un rapport écrit contenant sa recommandation motivée sur la question de savoir si le lieutenant-gouverneur en conseil devrait approuver tout ou partie de la modification proposée, la modifier et l'approuver dans sa version modifiée ou la refuser en totalité ou en partie.

Recommandation au lieutenant-gouverneur en conseil

(6) Dès qu'il reçoit le rapport écrit de l'agent enquêteur, le ministre l'étudie et le soumet au lieutenant-gouverneur en conseil avec les recommandations qu'il estime appropriées à l'égard de la modification proposée, lesquelles peuvent différer de celles énoncées dans le rapport de l'agent enquêteur.

Restriction

(7) Le ministre ne doit pas recommander en vertu du paragraphe (6) une modification proposée qui aurait pour effet de réduire la superficie totale du territoire visé par le Plan de la ceinture de verdure.

Décision du lieutenant-gouverneur en conseil

14. (1) Après avoir étudié les recommandations visées à l'article 12 ou 13, le lieutenant-gouverneur en conseil peut approuver tout ou partie de la modification proposée,

Minister under subsection (1) and such a plan need not conform to an official plan in effect in the area in which the plan applies.

Matters appealed

18. (1) If a matter relating to land within the areas designated as Protected Countryside in the Greenbelt Plan is appealed or referred to the Ontario Municipal Board or referred to a joint board under the *Consolidated Hearings Act*, whether before or after the coming into force of this Act, the Minister may notify the Board or joint board that its consideration of the matter should be deferred.

Stay

(2) When the Minister gives notice under subsection (1), all steps in the appeal or referral are stayed as of the date of the notice until he or she gives a further notice to the Board or joint board that the appeal or referral may be continued.

Non-application of *Regulations Act*

(3) Notices under this section are not regulations within the meaning of the *Regulations Act*.

Minister's decision

(4) Notices under this section are final and not subject to appeal.

Hearing officer

(5) If the Minister has given notice under subsection (1), the Minister may, within 30 days after the giving of notice, appoint a hearing officer to conduct a hearing at which representations may be made respecting the matter that was stayed before the Ontario Municipal Board or joint board.

Time and notice of hearing

(6) The hearing officer shall fix the time and place for the hearing and give notice of the hearing in the prescribed manner and to the prescribed persons and public bodies.

Rules of procedures

(7) The hearing officer may make rules of procedure for the hearing.

Hearing

(8) The hearing officer shall conduct a hearing and make written recommendations, with reasons, to the Minister within 30 days after the conclusion of the hearing, recommending what action the Minister, with the approval of the Lieutenant Governor in Council, should take with respect to the matter, including making any decision that the Ontario Municipal Board or joint board could have made with respect to the matter.

Protection from personal liability

(9) The hearing officer is not personally liable for anything done by him or her in good faith in the execution of

parés ou modifiés en vertu de la *Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario* et il n'est pas nécessaire que ceux-ci soient conformes à un plan officiel en vigueur dans la zone qu'ils visent.

Questions en appel

18. (1) Si une question se rapportant à des biens-fonds situés dans les zones désignées comme campagne protégée, au sens de «Protected Countryside», dans le Plan de la ceinture de verdure est portée en appel devant la Commission des affaires municipales de l'Ontario ou renvoyée à celle-ci ou renvoyée à une commission mixte en application de la *Loi sur la jonction des audiences*, que ce soit avant ou après l'entrée en vigueur de la présente loi, le ministre peut aviser la Commission ou la commission mixte que son étude de la question devrait être différée.

Suspension

(2) Lorsque le ministre donne l'avis prévu au paragraphe (1), toutes les étapes de l'appel ou du renvoi sont suspendues à la date de l'avis jusqu'à ce qu'il avise la Commission ou la commission mixte que l'appel ou le renvoi peut se poursuivre.

Non-application de la *Loi sur les règlements*

(3) Les avis prévus au présent article ne constituent pas des règlements au sens de la *Loi sur les règlements*.

Décision du ministre

(4) Les avis prévus au présent article sont définitifs et non susceptibles d'appel.

Agent enquêteur

(5) Si le ministre a donné l'avis prévu au paragraphe (1), il peut, dans les 30 jours qui suivent, nommer un agent enquêteur pour tenir une audience à laquelle des observations peuvent être présentées concernant la question qui a été suspendue devant la Commission des affaires municipales de l'Ontario ou la commission mixte.

Date, heure et lieu de l'audience

(6) L'agent enquêteur fixe la date, l'heure et le lieu de l'audience et en avise de la manière prescrite les personnes et organismes publics prescrits.

Règles de procédure

(7) L'agent enquêteur peut adopter des règles de procédure pour la tenue de l'audience.

Audience

(8) L'agent enquêteur tient une audience et, dans les 30 jours qui suivent la fin de celle-ci, présente au ministre des recommandations écrites motivées sur les mesures que le ministre, avec l'approbation du lieutenant-gouverneur en conseil, devrait prendre à l'égard de la question, y compris prendre une décision que la Commission des affaires municipales de l'Ontario ou la commission mixte pourrait avoir prise à l'égard de la question.

Immunité

(9) L'agent enquêteur n'engage aucunement sa responsabilité personnelle pour un acte accompli de bonne foi

deemed to have been dismissed, without costs, on the day this Act comes into force.

No expropriation or injurious affection

(6) Nothing done or not done in accordance with this Act or the regulations made under it constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Person defined

(7) In this section,

“person” includes the Crown and its employees and agents, members of the Executive Council and municipalities and their employees and agents.

Conflicts

20. In the event of conflict between this Act and any other Act, this Act prevails.

Non-application of *Statutory Powers Procedure Act*

21. The *Statutory Powers Procedure Act* does not apply to anything done under this Act.

Regulations by L.G. in C.

22. (1) The Lieutenant Governor in Council may, by regulation,

- (a) prescribe additional objectives for the Greenbelt Plan;
- (b) prescribe policies for the purposes of clause 6 (2) (e);
- (c) despite any other Act, vary, supplement or override any provision in the Oak Ridges Moraine Conservation Plan or the Niagara Escarpment Plan in order to facilitate the effective operation of the Greenbelt Plan.

Retroactivity

(2) A regulation made under this section may be retroactive to a date no earlier than December 16, 2004.

Regulations by Minister

23. (1) The Minister may, by regulation,

- (a) require municipalities within the areas designated as Protected Countryside in the Greenbelt Plan to pass by-laws under section 135 or 142, or both, of the *Municipal Act, 2001* and specify the municipalities and the by-law provisions;
- (b) prescribe powers that must be exercised by municipalities in making a by-law referred to in clause (a) that are additional to those powers set out in section 135 or 142 of the *Municipal Act, 2001*;

sente loi sont réputées avoir été rejetées, sans dépens, ce jour-là.

Ni expropriation ni effet préjudiciable

(6) Aucune mesure prise ou non prise conformément à la présente loi ou à ses règlements d'application ne constitue une expropriation ou un effet préjudiciable pour l'application de la *Loi sur l'expropriation* ou par ailleurs en droit.

Définition de «personne»

(7) La définition qui suit s'applique au présent article.

«personne» S'entend notamment de la Couronne et de ses employés et mandataires, des membres du Conseil exécutif ainsi que des municipalités et de leurs employés et mandataires.

Incompatibilité

20. Les dispositions de la présente loi l'emportent sur les dispositions incompatibles d'une autre loi.

Non-application de la *Loi sur l'exercice des compétences légales*

21. La *Loi sur l'exercice des compétences légales* ne s'applique pas à quoi que ce soit qui est fait en application de la présente loi.

Règlements du lieutenant-gouverneur en conseil

22. (1) Le lieutenant-gouverneur en conseil peut, par règlement :

- a) prescrire des objectifs additionnels du Plan de la ceinture de verdure;
- b) prescrire des politiques pour l'application de l'alinéa 6 (2) e);
- c) malgré toute autre loi, modifier, compléter ou remplacer toute disposition du Plan de conservation de la moraine d'Oak Ridges ou du plan de l'escarpement du Niagara pour faciliter l'application efficace du Plan de la ceinture de verdure.

Effet rétroactif

(2) Les règlements pris en application du présent article peuvent avoir un effet rétroactif à une date qui n'est pas antérieure au 16 décembre 2004.

Règlements du ministre

23. (1) Le ministre peut, par règlement :

- a) exiger de municipalités situées dans les zones désignées comme campagne protégée, au sens de «Protected Countryside», dans le Plan de la ceinture de verdure qu'elles adoptent des règlements municipaux en vertu de l'article 135 ou 142, ou de ces deux articles, de la *Loi de 2001 sur les municipalités*, et préciser ces municipalités et les dispositions de ces règlements municipaux;
- b) prescrire les pouvoirs que doivent exercer les municipalités lorsqu'elles adoptent un règlement municipal visé à l'alinéa a) et qui s'ajoutent aux pouvoirs énoncés à l'article 135 ou 142 de la *Loi de 2001 sur les municipalités*;

day the application is made;

- (h) in the case of an application for approval of a plan of subdivision under section 51 of the *Planning Act* or for approval or exemption from approval for a condominium under section 9 of the *Condominium Act, 1998*, on the day the application is made;
- (i) in the case of an application for a consent under section 53 of the *Planning Act*, on the day the application is made.

Same

(5) Despite clause (4) (d), in the case of an application for an amendment to a zoning by-law required as a condition of approval for a plan of subdivision under section 51 of the *Planning Act*, as a condition of approval for a condominium under section 9 of the *Condominium Act, 1998* or as a condition of a provisional consent under section 53 of the *Planning Act*, the application for amendment of the zoning by-law shall be deemed to have been commenced on the day the application for approval of the plan of subdivision, the application for approval of the condominium, or the application for consent is made.

Limitation

(6) Subsection (5) applies only if the application for approval of the plan of subdivision, the application for approval of the condominium, or the application for consent is made before December 16, 2004.

AMENDMENTS TO OTHER ACTS

25. (1) Subsections 6.1 (1) and (2) of the *Niagara Escarpment Planning and Development Act*, as enacted by the Statutes of Ontario, 1999, chapter 12, Schedule N, section 4, are repealed and the following substituted:

Definition

(1) In this section, "public body" means a municipality, local board, ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation.

Amendments to Plan

(2) An amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission, and application may be made to the Commission by any person or public body requesting an amendment to the Plan.

Material to accompany application

(2.1) An application to the Commission by a person or public body requesting an amendment to the Plan shall include a statement of the justification for the amendment and shall be accompanied by research material, reports,

de la *Loi sur l'aménagement du territoire*, le jour où la demande est présentée;

- h) dans le cas d'une demande d'approbation d'un plan de lotissement présentée en application de l'article 51 de la *Loi sur l'aménagement du territoire*, ou d'une demande d'approbation ou d'exemption d'approbation d'un condominium présentée en application de l'article 9 de la *Loi de 1998 sur les condominiums*, le jour où la demande est présentée;
- i) dans le cas d'une demande d'autorisation présentée en application de l'article 53 de la *Loi sur l'aménagement du territoire*, le jour où la demande est présentée.

Idem

(5) Malgré l'alinéa (4) d), dans le cas d'une demande de modification d'un règlement municipal de zonage exigée comme condition à l'approbation d'un plan de lotissement en application de l'article 51 de la *Loi sur l'aménagement du territoire*, à l'approbation d'un condominium en application de l'article 9 de la *Loi de 1998 sur les condominiums* ou à une autorisation provisoire en application de l'article 53 de la *Loi sur l'aménagement du territoire*, la demande de modification du règlement municipal de zonage est réputée avoir été introduite le jour où est présentée la demande d'approbation du plan de lotissement, la demande d'approbation du condominium ou la demande d'autorisation.

Restriction

(6) Le paragraphe (5) ne s'applique que si la demande d'approbation du plan de lotissement, la demande d'approbation du condominium ou la demande d'autorisation est présentée avant le 16 décembre 2004.

MODIFICATION D'AUTRES LOIS

25. (1) Les paragraphes 6.1 (1) et (2) de la *Loi sur la planification et l'aménagement de l'escarpement du Niagara*, tels qu'ils sont édictés par l'article 4 de l'annexe N du chapitre 12 des Lois de l'Ontario de 1999, sont abrogés et remplacés par ce qui suit :

Définition

(1) La définition qui suit s'applique au présent article. «organisme public» Municipalité ou conseil local, ou ministère, département, conseil, commission, organisme ou fonctionnaire d'un gouvernement provincial ou du gouvernement fédéral, ou Première nation.

Modification du plan

(2) Le ministre ou la Commission peut entreprendre de modifier le plan de l'escarpement du Niagara. Une personne ou un organisme public peut présenter à la Commission une demande de modification du plan.

Fourniture de documents

(2.1) La demande de modification du plan qu'une personne ou un organisme public présente à la Commission comprend un énoncé des motifs à l'appui de la modification et elle est accompagnée des documents de recherche,

- (b) the Niagara Escarpment Plan is amended so that the provisions of the Plan that define the parts of the Niagara Escarpment Planning Area that are covered by the Plan shall be deemed to include a reference to the lands referred to in clause (a).

Consequential amendments to Plan

(2) On or after the day subsection 25 (3) of the *Greenbelt Act, 2004* comes into force, the Lieutenant-Governor in Council may order that the Niagara Escarpment Plan be amended to,

- (a) provide for such land use designations with respect to the lands referred to in clause (1) (a) as the Lieutenant-Governor in Council considers advisable; and
- (b) make such other amendments to the Niagara Escarpment Plan as the Lieutenant Governor in Council considers necessary for the effective implementation of the amendment described in clause (1) (b).

Non-application

(3) For greater certainty, the requirements of sections 6.1, 7, 10 and 11 with respect to amendments to the Niagara Escarpment Plan do not apply to the amendment referred to in clause (1) (b).

(4) Section 23 of the Act is amended by adding the following clause:

- (e) defining urban uses.

(5) The Act is amended by adding the following sections:

Regulations by L.G. in C.

23.1 Despite any other Act, the Lieutenant Governor in Council may, in respect of the area covered by the Niagara Escarpment Plan, make regulations to vary, supplement or override any provision in this Act or the Niagara Escarpment Plan in order to facilitate the effective operation of the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2004*.

Transition

29. Any matter, appeal, application, referral, procedure or hearing stayed by subsection 8 (1) of the *Greenbelt Protection Act, 2004* is continued as if that section had never been enacted and any time period shall be calculated as if no time had passed between the day the matter was stayed and the day this section comes into force.

Limitations on remedies

30. (1) With respect to subsections 6.1 (1), (2), (2.1), (2.2) and (2.3) and 17 (1), section 19, clause 23 (e) and sections 23.1 and 29, no cause of action arises as a direct or indirect result of,

- (a) the enactment or repeal of any provision of this Act;

- b) d'autre part, le plan de l'escarpement du Niagara est modifié pour que celles de ses dispositions qui définissent les parties de la zone de planification de l'escarpement du Niagara qu'il vise soient réputées comprendre une mention des biens-fonds visés à l'alinéa a).

Modifications corrélatives du plan

(2) Le jour de l'entrée en vigueur du paragraphe 25 (3) de la *Loi de 2004 sur la ceinture de verdure* ou par la suite, le lieutenant-gouverneur en conseil peut ordonner que le plan de l'escarpement du Niagara soit modifié pour :

- a) d'une part, prévoir les désignations d'utilisation du sol qu'il estime souhaitables à l'égard des biens-fonds visés à l'alinéa (1) a);
- b) d'autre part, apporter au plan les autres modifications qu'il estime nécessaires pour la mise en oeuvre efficace de la modification visée à l'alinéa (1) b).

Non-application

(3) Il est entendu que les exigences des articles 6.1, 7, 10 et 11 à l'égard des modifications apportées au plan de l'escarpement du Niagara ne s'appliquent pas à la modification visée à l'alinéa (1) b).

(4) L'article 23 de la Loi est modifié par adjonction de l'alinéa suivant :

- e) définir ce qui constitue des utilisations urbaines.

(5) La Loi est modifiée par adjonction des articles suivants :

Règlements du lieutenant-gouverneur en conseil

23.1 Malgré toute autre loi, le lieutenant-gouverneur en conseil peut, par règlement, à l'égard de la zone visée par le plan de l'escarpement du Niagara, modifier, compléter ou remplacer toute disposition de la présente loi ou du plan pour faciliter l'application efficace du Plan de la ceinture de verdure établi en vertu de l'article 3 de la *Loi de 2004 sur la ceinture de verdure*.

Disposition transitoire

29. Les affaires, appels, demandes, renvois, procédures et audiences suspendus par le paragraphe 8 (1) de la *Loi de 2004 sur la protection de la ceinture de verdure* se poursuivent comme si cet article n'avait jamais été édicté et les délais sont calculés comme s'il ne s'était écoulé aucun temps entre la date de la suspension et celle de l'entrée en vigueur du présent article.

Restrictions quant au recours

30. (1) À l'égard des paragraphes 6.1 (1), (2), (2.1), (2.2) et (2.3) et 17 (1), de l'article 19, de l'alinéa 23 e) et des articles 23.1 et 29, aucune cause d'action ne résulte directement ou indirectement :

- a) soit de l'édition ou de l'abrogation d'une disposition de la présente loi;

- (a) the Parkway Belt Plan, also known as the Parkway Belt West Plan, referred to in section 22 shall cease to apply to the lands that are part of the Niagara Escarpment Planning Area and described in paragraphs 26, 30, 31 and 33 of the Schedule to Regulation 684 of the Revised Regulations of Ontario, 1980; and
- (b) the provisions of the Parkway Belt Plan, also known as the Parkway Belt West Plan, that describe the lands to which the Plan applies shall be deemed not to refer to the lands referred to in clause (a).

Non-application

(2) For greater certainty, the requirements of sections 6, 7, 8, 9, 10 and 11 relating to amendments to plans made under this Act do not apply to the amendment referred to in clause (1) (b).

Commencement

28. (1) This section and section 29 come into force on the day this Act receives Royal Assent.

Same

(2) If this Act receives Royal Assent on or before December 16, 2004, sections 1 to 27 come into force on December 16, 2004.

Same

(3) If this Act receives Royal Assent after December 16, 2004, sections 1 to 27 shall be deemed to have come into force on December 16, 2004.

Short title

29. The short title of this Act is the *Greenbelt Act, 2004*.

- a) d'une part, le plan de la ceinture de promenade, également connu sous le nom de plan de la ceinture de promenade ouest, visé à l'article 22 cesse de s'appliquer aux biens-fonds compris dans la zone de planification de l'escarpement du Niagara et décrits dans les dispositions 26, 30, 31 et 33 de l'annexe du Règlement 684 des Règlements refondus de l'Ontario de 1980;
- b) d'autre part, les dispositions du plan de la ceinture de promenade, également connu sous le nom de plan de la ceinture de promenade ouest, qui décrivent les biens-fonds qu'il vise sont réputées ne pas faire mention des biens-fonds visés à l'alinéa a).

Non-application

(2) Il est entendu que les exigences des articles 6, 7, 8, 9, 10 et 11 à l'égard des modifications de plans apportées en application de la présente loi ne s'appliquent pas à la modification visée à l'alinéa (1) b).

Entrée en vigueur

28. (1) Le présent article et l'article 29 entrent en vigueur le jour où la présente loi reçoit la sanction royale.

Idem

(2) Si la présente loi reçoit la sanction royale le 16 décembre 2004 ou avant cette date, les articles 1 à 27 entrent en vigueur le 16 décembre 2004.

Idem

(3) Si la présente loi reçoit la sanction royale après le 16 décembre 2004, les articles 1 à 27 sont réputés être entrés en vigueur le 16 décembre 2004.

Titre abrégé

29. Le titre abrégé de la présente loi est *Loi de 2004 sur la ceinture de verdure*.



greenbelt

DRAFT PLAN

October 2004

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1.0 INTRODUCTION

1.1 Context

The Golden Horseshoe is one of the fastest-growing regions in North America.

The Greenbelt is a cornerstone of Ontario's proposed Greater Golden Horseshoe Growth Plan, an overarching strategy that will provide clarity and certainty about what should be built and where, and what must be protected for our own and future generations.

The Greenbelt Plan identifies where urbanization is not to occur in order to provide permanent agricultural and environmental protection.

The Greenbelt Plan includes and builds on lands within the Niagara Escarpment Plan (NEP) and Oak Ridges Moraine Conservation Plan (ORMCP).

The additional Protected Countryside lands identified in this Plan, which link and enhance the Niagara Escarpment and Oak Ridges Moraine to create the Greenbelt, have been identified through a combination of the best science available, a consideration of existing and future patterns of urbanization, and local knowledge and advice.

This Protected Countryside is made up of an Agricultural System and a Natural System, together with a system of settlement areas.

The Agricultural System is made up of specialty crop, prime agricultural and rural areas. The settlement areas, including Towns and Villages, Hamlets and Shoreline areas, are found throughout the Agricultural System.

The Natural System identifies lands that support both natural heritage and water resource features and functions, while maintaining connections to the broader natural systems of southern Ontario.

While providing permanent agricultural and environmental protection, the Greenbelt also supports a wide range of recreation and tourism opportunities and a vibrant and evolving agricultural and rural economy.

Environmental Protection

- Protecting, maintaining and, where possible, enhancing the natural heritage, key hydrologic and landform features and functions of the Greenbelt;
- Protecting natural and open space connections between the Oak Ridges Moraine, the Niagara Escarpment, Lake Ontario, Lake Simcoe and the major river valley lands, while also maintaining connections to the broader natural systems of southern Ontario beyond the Golden Horseshoe such as the Great Lakes Heritage Coast, Carolinian Canada and the Algonquin to Adirondacks corridor;
- Maintaining and/or enhancing the quality and quantity of ground and surface water within the Greenbelt; and
- Providing long-term guidance on the management of natural heritage and water resources when contemplating such matters as development, infrastructure, open space planning and management, aggregate rehabilitation and private or public stewardship programs.

Culture, Recreation and Tourism Opportunities

- Supporting the conservation and promotion of cultural heritage resources;
- Providing for a wide range of publicly accessible built and natural settings for recreation including facilities, parklands, open space areas, trails and water-based resources; and
- Enabling continued opportunities for sustainable tourism development.

Rural Communities

- Supporting a strong rural economy by allowing for the social, institutional and commercial uses needed by the local population of the Greenbelt's existing towns, villages and hamlets; and
- Sustaining the character of the countryside and rural communities.

conform to the relevant geographic specific policy. Where policies of both the Agricultural and Natural Systems overlap in a particular area, the more restrictive Natural Systems policies apply. As well, proposals for development must conform to Parkland, Open Space and Trails policies.

The second step in determining how this Plan affects a property or development/infrastructure proposal is to identify whether the lands are within the Agricultural System or Natural System, or both and to determine if any of the Parkland, Open Space and Trails policies apply.

The Greenbelt Plan also contains General Policies that apply to particular types of land uses (e.g. non-agricultural uses, infrastructure, mineral aggregates) regardless of the geographic specific policy area where they are located. The General Policies also identify how existing uses, lot creation and *transitional applications* are to be treated within the Protected Countryside areas.

The third step in using this Plan is to determine what, if any, General Policies apply to a given proposal.

The Greenbelt Plan builds upon the existing policy framework established in the Provincial Policy Statement (PPS) and municipal official plans.

With respect to the PPS, the Greenbelt Plan includes policies that represent a higher or different policy standard than the PPS. Unless otherwise stated, this Plan defers to the PPS, including the definitions in the PPS (defined terms are shown in *italics*).

With respect to municipal official plans, the Greenbelt Plan defers to official plans for the exact delineation of prime agricultural and rural lands within the Agricultural System and for the precise boundaries of Settlement Areas. The Province will delineate the Natural Heritage System or provide criteria that will allow the municipality to delineate the boundary.

The fourth step in using this Plan is to determine the underlying municipal official plan policies.

The Greenbelt Plan must also be read in conjunction with all other applicable land use planning direction, as amended from time to time, including the Provincial Policy Statement, the proposed Greater Golden Horseshoe Growth Plan, other provincial plans, upper, lower and single-tier municipal official plans, zoning by-laws, as well as other pertinent legislation and regulations (e.g. Minister's zoning orders). Where more specific provincial plans or regulations exist or are promulgated within the Greenbelt, the more specific plan or regulation shall prevail.

3.0 GEOGRAPHIC SPECIFIC POLICIES IN THE PROTECTED COUNTRYSIDE

There are three Geographic Specific Policies that apply to specific lands within the Protected Countryside: Agricultural System, Natural System and Settlement Areas. The Parkland, Open Space and Trails policies apply across the Greenbelt.

3.1 Agricultural System

3.1.1 Description

The Protected Countryside contains an Agricultural System that provides a continuous and permanent land base area necessary to support long-term agricultural production and economic activity. The Agricultural System is made up of Specialty Crop Areas, Prime Agricultural Areas and Rural Areas. The Agricultural System includes expansive areas where prime agricultural and specialty crop lands predominate and active agricultural and related activities are ongoing. A Land Evaluation and Area Review (LEAR) undertaken by the Ministry of Agriculture and Food, as well as a consideration of long-term urban growth patterns, guided the delineation of the Agricultural System.

- There are two **Specialty Crop Areas**: the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh. The delineation of the Niagara Peninsula Tender Fruit and Grape Area (see Schedule 2) is based on provincial soil and climate analysis of potential tender fruit and grape production areas. The Holland Marsh boundary is based on provincial muck soil analysis and current agricultural production in both the Region of York and the County of Simcoe (see Schedule 3).
- **Prime Agricultural Areas** are those lands designated as such within municipal official plans, and are where prime agricultural lands (i.e. Canada Land Inventory Classes 1, 2, and 3 soils) predominate.
- **Rural Areas** are those lands, outside of Settlement Areas, generally designated as rural or open space within municipal official plans. Rural areas are typically characterized by a mixture of agricultural lands, natural features and recreational and historic rural land uses.

Municipalities can reassess their municipal designations for prime agriculture and rural/open space when they bring their municipal plans in conformity with the Greenbelt Plan, subject to the criteria identified in section 5.2.

New multiple units or lots for permanent residential dwellings, (e.g., estate residential subdivisions and adult lifestyle or retirement communities) are not permitted in Rural Areas.

New land uses, including the creation of new lots, and new and expanding livestock facilities will comply with the *minimum distance separation formulae*.

3.1.5 External Connections

The Greenbelt Agricultural System is connected both functionally and economically to the prime agricultural resources and agricultural sector beyond the boundaries of the Greenbelt. To support the connections between the Greenbelt's Agricultural System and the prime agricultural resources of southern Ontario:

- Municipalities, farming organizations, and other agencies and levels of government are encouraged to consider how activities and changes in land use, both within and abutting the Greenbelt, relate to the broader agricultural system and economy of southern Ontario. They should also plan appropriately to ensure both functional and economic connections are maintained or strengthened.

3.2 Natural System

3.2.1 Description

The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of significant and/or sensitive natural heritage, key hydrologic and landform values that in turn support fundamental ecological functions and biodiversity. The Natural System is made up of a Natural Heritage System and a Water Resource System:

- The **Natural Heritage System** (see Schedule 4) includes areas of the Protected Countryside where the distribution and concentration of natural heritage, hydrologic and landform features need to be managed as a connected natural heritage system. The system builds upon, and is integrated with, the natural heritage systems contained in the Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan together with management plans developed by conservation authorities, municipalities and other agencies. Together with the surrounding landscape within the Greenbelt as a whole, these systems currently comprise, and continue to function as, a connected natural heritage system.

- With the exception of mineral aggregate operations, the disturbed area of any site generally does not exceed 25 per cent, and the impervious surface does not exceed 10 per cent, of the *total developable area*.

3.2.3 Water Resource System Policies

The following Water Resource System policies apply throughout the Protected Countryside:

- Watersheds are the most meaningful scale for hydrological planning, and municipalities are expected to complete *watershed plans*, to guide planning and development decisions within the Protected Countryside.
- The protection of *wellhead areas* and *inherently susceptible aquifer areas* from land uses that could adversely affect the quality or quantity of water is an important approach to sustainable management of ground and surface water resources.
- Within the Protected Countryside, municipalities are encouraged to identify and map their *wellhead protection areas* and *inherently susceptible aquifer areas* within their official plans and, as appropriate and in accordance with any provincial directives on source water protection, prohibit certain land uses in these identified areas.

3.2.4 Key Natural Heritage and Key Hydrologic Features Policies

Key natural heritage features located within the Natural Heritage System include the following and are subject to the policies of this section:

- Significant habitat of endangered, threatened and provincially rare species;
- Fish habitat;
- Wetlands
- Life Science Areas of Natural and Scientific Interest (ANSIs);
- Significant Valleylands;
- Significant Woodlands;
- Significant Wildlife habitat;
- Sand barrens, savannahs and tall grass prairies; and
- Alvars.

Key natural heritage features beyond the Natural Heritage System (as shown on Schedule 4) are subject to the definitions and policies of the Provincial Policy Statement.

To support the connections between the Greenbelt's Natural System and the broader natural heritage systems of southern Ontario, such as the Lake Ontario shoreline, including its remaining coastal wetlands, the Great Lakes Heritage Coast, Carolinian Canada and the Algonquin to Adirondack Corridor, municipalities, conservation authorities, other agencies, levels of government and stakeholders are encouraged to:

- Consider how activities and land use change both within and abutting the Greenbelt relate to the areas of external extensions identified in this Plan; and
- Promote and undertake appropriate planning and design to ensure the external connections are maintained and/or enhanced.

Given development pressures on the Golden Horseshoe area, the river valleys that run through existing or approved urban areas and connect the Greenbelt to Lake Ontario are a key component in the long-term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities are encouraged to:

- Continue with stewardship, remediation and appropriate park and trail development that maintains and, to the extent possible, enhances the ecological features and functions found within these valley systems; and
- In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:
 - Establish or increase the extent or width of vegetation protection zones in a self-sustaining vegetative state, especially in the most ecologically sensitive areas (i.e. within 30 metres of the stream and on the steeply sloping valley walls);
 - Increase or improve fish habitat in streams and in the adjacent riparian lands;
 - Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and
 - Seek to avoid, minimize and/or mitigate the introduction of urban run-off into the valley systems.

In addition to the urban river valleys, portions of the "Lake Iroquois shoreline" within Durham Region traverse existing or approved urban areas. Municipalities are encouraged to consider planning, design and construction practices that maintain or where possible enhance the size, diversity and connectivity of *key natural heritage and key hydrologic features* and functions of those portions of the Lake Iroquois shoreline within their approved urban boundaries.

These external connections are generally depicted by a dotted green line in Schedule 1 and 4, but are not within the regulated boundary of the Greenbelt Plan.

Municipal Parkland, Open Space and Trail Strategies

Municipalities should provide for a full range of publicly accessible built and natural settings for recreation including public and private facilities, commercial-based uses, parklands, open space areas, trails and water-based resources.

Municipalities should develop and incorporate strategies (such as community-specific levels of provision) into Official Plans to guide the adequate provision of municipal recreation facilities, parklands, open space areas and trails.

Municipal parkland and open space strategies should include the following considerations:

- Providing for current and future populations;
- Providing facilities, parklands, open space areas and trails that particularly support an active, healthy community lifestyle;
- Identifying key areas or sites for the future development of major facilities that avoid sensitive landscapes;
- Identifying and targeting under-serviced areas for improved levels of protection;
- Protecting the recreation and tourism values of waterfront areas as a high priority; and
- Coordinating planning and development activities, where practical.

Municipal trail strategies should include the following considerations:

- Preserving the continuous integrity of corridors (e.g. abandoned railway rights-of-way and utility corridors);
- Planning trails on a cross-boundary basis to enhance interconnectivity where practical;
- Incorporating the existing system of parklands and trails where practical;
- Restricting trail uses that are inappropriate to the reasonable capacity of the site (notwithstanding the right to continue existing uses) where practical and appropriate;
- Providing for multi-use trail system which establishes a safe and compatible system for motorized and non-motorized uses; and
- Ensuring the protection of the sensitive *key natural heritage and key hydrologic features* and functions of the landscape.

Provincial parks and conservation authority lands are also important components in the development of parkland open space and trail strategies. Ongoing management of these lands for publicly accessible active and passive recreation, in keeping with environmental management plans and strategies for such areas and the policies of this Plan, is important in providing access to this system. Where geographic specific park or public land management plans exist, such as the Rouge Park and Rouge North Management Plans, municipalities, agencies and other levels of government must consider such plans when making decisions on land use or infrastructure proposals.

Settlement areas outside the Greenbelt are not permitted to expand into the Greenbelt area.

No new Great Lake-based water and sewer systems, or extensions or expansions to existing Great Lake-based systems, are permitted for the purpose of serving settlement areas within the Protected Countryside.

At the 10-year Plan review period, modest growth may be possible for Towns and Villages, provided the proposed growth:

- Would not exceed the assimilative and water production capacities of the local environment;
- Is consistent with any applicable watershed plan;
- Does not extend into the Natural Heritage System;
- Does not extend into the Specialty Crop Area; and
- Appropriately implements the requirements of any other provincial policies, plans, strategies or regulations, including requirements for assessment of need, locational and similar considerations.

3.4.3 Hamlet Policies

Infill development and intensification is permitted along with minor rounding out of Hamlet boundaries at the time of municipal conformity, all in keeping with the environmental capacity to provide sewage and water services and subject to municipal official plan policies.

3.4.4 Shoreline Policies

Minor rounding out, infill development, redevelopment and resort development is permitted along the shorelines of Lake Simcoe, Lake Scugog and other inland lakes, subject to the following criteria:

- Municipalities and conservation authorities ensure that the development is integrated with existing or proposed parks and trails and/or does not constrain ongoing or planned stewardship and remediation efforts;
- To the extent possible, such development enhances the ecological features and functions in shoreline areas; and
- In considering land use conversions, redevelopments and/or resort development, opportunities will be sought to:
 - Establish or increase the extent and width of a vegetation protection zone along a shoreline to a minimum of 30 meters;
 - Increase or expand the extent of fish habitat in the littoral zone;
 - Decrease erosion and sedimentation and promote planning, design and construction practices that maintain or improve water quality;
 - Improve the efficiency of sewage disposal facilities in order to reduce nutrient inputs to groundwater and the lake;

provide connectivity along the system and between *key natural heritage or key hydrologic features* located within 240 metres of each other:

4.1.2 Recreation and Tourism Use Policies

In addition to the policies of section 4.1.1 above, recreational uses are also subject to the policies below:

- Residential dwelling units, other than for an employee, shall not be permitted in association with recreation and tourism uses.
- An application to establish or expand a non-passive or commercial recreational use in the Natural Heritage System will be accompanied by a vegetation enhancement plan that incorporates planning, design, landscaping, and construction measures that:
 - Maintain or, where possible, enhance the amount of natural self-sustaining vegetative cover on the site and the connectivity between adjacent *key natural heritage or key hydrologic features*;
 - Wherever possible, keep intermittent stream channels and drainage swales in a free-to-grow, low-maintenance condition;
 - Minimize the application and use of pesticides and fertilizers; and
 - Locate new natural vegetation cover in areas that maximize the ecological health of the area.
- An application to expand or establish a major recreation use shall be accompanied by a conservation plan demonstrating how water use and nutrient and biocide will be kept to a minimum, including the establishment and monitoring of targets.
- Small-scale structures for low-intensity recreational uses (such as boardwalks, footbridges, fences, docks and picnic facilities) within the Natural Heritage System should minimize the adverse effects on the ecological integrity of the Protected Countryside area.

4.2 Infrastructure

Infrastructure - such as water, sewer and gas pipelines; hydro and telecommunications transmission facilities; transit and rail corridors and facilities; provincial and municipal highways and roads - is fundamental to economic well-being, human health and quality of life in southern Ontario and the Greenbelt.

There is already extensive infrastructure within the greenbelt to serve its settlements, agricultural and resource sectors and the rural economy. Existing infrastructure must be maintained and new infrastructure will be needed to continue serving existing and permitted land uses within the Greenbelt.

hydrologic features and landform features or their related functions, and where reasonable, maintain or improve natural and recreational connections.

4.2.2 Sewer and Water Infrastructure Policies

In addition to the above general infrastructure policies and the policies of section 3.4 regarding Settlement Areas, the following policies apply to sewer and water infrastructure proposals.

As appropriate for the scale and size of a proposal, proponents of infrastructure within or crossing the Protected Countryside must demonstrate that:

- Sustainable sewer and water servicing can be provided that does not negatively impact natural features and functions, quality and quantity of ground and surface water, or stream baseflows;
- Applicable watershed plans and water budgets are considered; and
- Any servicing installation be planned, designed and constructed to minimize groundwater disruption.

4.2.3 Stormwater Management Infrastructure Policies

As appropriate for the scale and size of a proposal, as determined by the municipality, applications for development and site alteration in the Protected Countryside must be accompanied by a storm water management plan that demonstrates that:

- Planning, design and construction practices will minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;
- Where appropriate, an integrated treatment approach will be used to minimize stormwater management flows and structures through such measures as lot level controls and conveyance techniques such as grass swales; and
- Applicable watershed plans and water budgets are considered.

Storm water management ponds are prohibited in *key natural heritage or key hydrologic features* or their *vegetation protection zones*.

The objectives of a stormwater management plan are to:

- Maintain groundwater quality and flow and stream baseflow;
- Protect water quality;
- Protect aquatic species and their habitat;
- Prevent increases in stream channel erosion; and
- Prevent any increase in flood risk.

- An application for a mineral aggregate operation or wayside pit may only be permitted in other *key natural features* not identified in the policies above and any associated vegetation protection zone where the applicant demonstrates:
 - If there are *key natural features* on the site or on adjacent lands, the health, diversity, size and connectivity of these *key natural features* will be restored and where possible improved; and
 - The area, from which the mineral aggregate is extracted, will be rehabilitated to a state of equal or greater *ecological value*.
- Any application for the expansion or establishment of a mineral aggregate operation shall be required to demonstrate how the connectivity between *key natural features* will be maintained before, during and after the extraction of mineral aggregates.

When undertaking rehabilitation of mineral aggregate operation sites:

- The province will work with the municipalities and the mineral aggregate industry to encourage the development and implementation of comprehensive rehabilitation plans in areas of high concentration of mineral aggregate operations;
- The expansion of an existing mineral aggregate operation will only be permitted where substantial progress has been made in the rehabilitation of the disturbed area within the existing licensed area. This shall generally be considered to be no less than 50 per cent of the disturbed area of the existing licensed area rehabilitated to a viable after use. A lesser standard may be considered by the Ministry of Natural Resources where it can be demonstrated that the rehabilitation goals of the site are better served by waiting until a later stage of the site's operation; and
- In the Natural Heritage System, no less than 30 per cent of the area of mineral aggregate operations shall be rehabilitated to a natural self-sustaining condition, including aquatic habitat.

4.4 Cultural Heritage Resources

Cultural heritage resources can be defined as man-made or natural features, including structures, objects, neighbourhoods, landscapes and archaeological sites, that have been identified as significant and meaningful components of a community's cultural heritage, or identity, by the local municipality or the province.

Greenbelt municipalities are encouraged to work with aboriginal groups and other stakeholders to identify and protect cultural heritage resources and plan toward maintaining, developing and using these resources in a manner that will benefit the local community and be compatible with other Greenbelt priorities.

- Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in Specialty Crop or Prime Agricultural Areas; and
- Minor lot adjustments, provided it does not create a separate lot for a residential dwelling in Specialty Crop or Prime Agricultural Areas and there is no increased fragmentation of a *key natural heritage and key hydrologic feature*.

More specifically, within the Specialty Crop Area and Prime Agricultural Area, lot creation is permitted for:

- *Agricultural uses* where the severed and retained parcels are intended for agricultural uses and provided the minimum lot size is 50 acres within Specialty Crop Area and 100 acres within Prime Agricultural Areas;
- Existing *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use, including a sewage and water system appropriate for such a use; and
- Surplus farm dwellings where an existing farm residence is rendered surplus to the farm as a result of *farm consolidation*, and provided no residential development is permitted in perpetuity on the retained parcel of farmland created by this severance. Approaches to ensuring no residential development on the remnant vacant parcel of farmland may be recommended by the Province, or municipal approaches that achieve the same objective may be considered.

shall not, however, contain provisions that are more restrictive than the policies of this Plan or the Provincial Policy Statement as they relate to agricultural and mineral aggregate resources.

Municipalities may adjust their designation for prime and/or rural/open space at the time they bring their official plans into conformity with this Plan, only under the following conditions:

- If the upper-tier or single-tier municipality has not adjusted its prime agriculture/rural designations to reflect the 1994 Provincial Policy Statement; or
- Through a comprehensive official plan review by an upper or single tier; or
- In the case of lower tier municipalities, to conform to an upper tier plan which has been amended in accordance with either of the above provisions.

5.3 Relationship of Plan to the Land Use Planning System

This Plan works in conjunction with other provincial legislation, plans and regulations as well as planning and management documents of municipalities and other agencies such as conservation authorities.

Unless otherwise addressed by the policies of this Plan, land use within the Protected Countryside will be governed by the *Planning Act*, the Provincial Policy Statement and municipal official plans and Ontario's existing planning system whereby the province and/or upper tiers provide review and approvals of municipal planning documents.

The policies of this Plan must be considered within processes and requirements set out in other legislation and regulations, but nothing in this Plan affects the need for land use and infrastructure proposals to meet the requirements set out in other such legislation and regulations.

Where other provincial plans or regulations are more specific and/or restrictive as they apply to lands within the Protected Countryside, the more specific or restrictive policy applies.

5.4 Boundaries

5.4.1 Boundary of the Greenbelt Plan

The Boundary of the Greenbelt Plan is proposed to be established by Ontario Regulation XX/XX, as enabled by the proposed *Greenbelt Act, 2004*. This boundary is to be specifically defined by the Surveyor General, which allows for the boundary to be located with precision.

The purpose of the review is to assess the effectiveness of the policies contained in the Plan (using information gathered through the monitoring program), and make amendments, if appropriate, to update or include new information and/or improve the effectiveness and relevance of the policies.

The review can only consider modifications to the urban boundaries within the Greenbelt if the upper or single-tier municipality provides a comprehensive justification or growth management study.

5.6 Plan Amendments

Under the proposed *Greenbelt Act, 2004*, amendments to those areas of the Plan designated as Protected Countryside can only be proposed by the Minister of Municipal Affairs and Housing. Amendments are subject to the approval of the Lieutenant Governor in Council.

Amendments to the Plan shall not have the effect of reducing the total land area of the Greenbelt Plan.

Amendments may be considered outside the 10-year review only in the following circumstances:

- There are major unforeseen circumstances, or major new Provincial policy, legislation or regulation that creates the need for an amendment;
- The overall effectiveness and integrity of the Plan would be threatened if the amendment were deferred to the next 10-year review; and/or
- The effectiveness and/or relevance of the Plan's policies would be improved through an amendment.

Amendments to the Niagara Escarpment Plan will continue to be initiated within the Niagara Escarpment Plan in accordance with the provisions of the *Niagara Escarpment Planning and Development Act*. Amendments to the Oak Ridges Moraine Conservation Plan remain governed by the *Oak Ridges Moraine Act*.

5.7 Monitoring/Performance Measures

The objective of the monitoring framework is to evaluate the effectiveness of the policies of the Plan in achieving its goals, as identified in section 1.2.

Performance measures are to be established through the Ministry of Municipal Affairs and Housing's Municipal Performance Measurement Program.

Definitions

Agricultural Uses

As defined by the Provincial Policy Statement.

Agricultural-Related Uses

As defined by the Provincial Policy Statement.

Connectivity

Means the degree to which *key natural heritage or key hydrologic features* are connected to one another by links such as plant and animal movement corridors, hydrologic and nutrient cycling, genetic transfer, and energy flow through food webs.

Development

Means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the *Planning Act*, the *Environmental Assessment Act*, but does not include:

- (a) The construction of facilities for transportation, infrastructure and utilities used by a public body;
- (b) Activities or works under the *Drainage Act*; or
- (c) The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Ecological Value

The value of vegetation in maintaining the health of the *key natural heritage or key hydrologic feature* and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for rare, threatened and endangered species.

Ecological Function

Means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrologic functions and biological, physical, chemical and socio-economic interactions.

Site Alteration

Means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:

- (a) The construction of facilities for transportation, infrastructure and utilities uses by a public body;
- (b) Activities or works under the *Drainage Act*; or
- (c) The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Specialty Crop Areas

As defined by the Provincial Policy Statement.

Stable Top of Bank

The edge of the channel or bank, if there is a sharp change from the steep slope of the channel or bank to the shallower slope of the field area, or the normal full extent of the watercourse when it contains the maximum volume of water without flooding, if the change in slope does not exist.

Total Developable Area

Total developable area shall mean the total area of the property less the area occupied by *key natural features*, including any related *Vegetation Protection Zone* (see section 3.2.3).

Vegetation Protection Zone

A vegetated buffer area surrounding a *key natural feature* within which only those land uses permitted within the feature itself are permitted. The width of the *vegetation protection zone* is to be determined when new development or site alteration occurs within 120 metres of a *key natural feature*, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function.

Watershed Plans

Watershed plans shall include:

- A water budget and conservation plan;
- Land and water use and management strategies;
- A framework for implementation;
- An environmental monitoring plan;
- Requirements for the use of environmental management practices and programs; and