

COMMITTEE OF THE WHOLE JUNE 8, 2005

BILL 135 - *THE GREENBELT ACT*, AND FINAL GREENBELT PLAN GENERAL FILE 22.19

Recommendation

The Commissioner of Planning recommends:

1. THAT the following report be received for information.
2. THAT Staff report to a future Committee of the Whole meeting regarding the proposed Greenbelt Official Plan Amendment Conformity Process.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The purpose of this report is to update the Committee on the Final *Greenbelt Act* - Bill 135, and the Final Greenbelt Plan.

Background - Analysis and Options

Following the *Greenbelt Protection Act*, which was initiated on December 16, 2003, and the results of the study by the Greenbelt Task Force, the Province released a draft of the legislation and greenbelt plan to establish and protect a permanent Greenbelt across the Golden Horseshoe on October 28, 2004. Council provided comments to the Ministry of Municipal Affairs and Housing on the draft Act and Plan on November 22, 2004, as follows:

- “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 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 and to that end;
 - b) It is recommended that in the absence of clarification in respect to areas of growth to be encouraged according to Places to Grow, 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;
 - c) 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;
 - d) 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;

- 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;
- k) 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;
- l) 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
- m) 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.”

The Minister of Municipal Affairs and Housing extended the study of the proposed *Greenbelt Act* and draft Greenbelt Plan as per Council’s resolution through January and February 2005, with the extension of the *Greenbelt Protection Act* moratorium to March 9, 2005.

The *Greenbelt Act* was subsequently amended and received Royal Assent on February 24, 2005. Following the passing of the *Greenbelt Act*, the final Greenbelt Plan was released on February 28, 2005, in addition to the revised Greenbelt mapping. The *Greenbelt Act* and Plan are effectively retroactive to December 16, 2004.

Amendments were made to the *Greenbelt Act* and Plan which reflect some of the resolutions passed by Council, however, the substantive changes requested were not included. The *Greenbelt Act* and Plan have proceeded in advance of the finalization of the Places to Grow Plan (Growth Plan). The Province released a draft of the Growth Plan in February 2005, in concert with the release of the final Greenbelt Plan, however, the finalization of the Growth Plan is outstanding and is anticipated to be reviewed throughout 2005. This timing has not allowed for

the impact of the designation of the "Protected Countryside" to be examined against the draft Growth plan to ensure consistency.

Bill 135 - The Greenbelt Act

The purpose of the *Greenbelt Act* is to provide for the establishment of a permanent greenbelt across the Golden Horseshoe by designating a "Greenbelt Area" and creating a Greenbelt Plan for the Greenbelt Area. The Greenbelt Area includes all of the lands within the Niagara Escarpment Plan; all of the lands within the Oak Ridges Moraine; and the new lands within the "Protected Countryside" as designated by the Ontario Regulation 59/05 to the *Greenbelt Act*.

The lands within the Oak Ridges Moraine and the Niagara Escarpment are regulated by their individual Acts and Plans and are not further regulated by the *Greenbelt Act* or the Greenbelt Plan.

The *Greenbelt Act* provides for the establishment of the Greenbelt Plan. The Greenbelt Plan is effective December 16, 2004, and, in Subsection 7(2) provides that "a decision that is made under the Ontario Planning and Development Act, 1994, or the Planning Act or the Condominium Act, 1998, or in relation to a prescribed matter by a municipal council, local board, municipal planning authority, minister of the Crown, or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the Greenbelt Plan."

The Greenbelt Plan prevails in the event of a conflict between the Greenbelt Plan and an official plan, a zoning by-law, or a policy statement issued under Section 3 of the *Planning Act*.

Section 9 of the Act requires that all municipalities with lands designated as "Protected Countryside" must amend their official plans to conform with the Greenbelt Plan. This amendment must take place either within the 5 year review of the Official Plan as required by the *Planning Act*, or no later than a date to be specified by the Minister. The Minister has not yet specified a date for conformity. It is anticipated that as there are a number of provincial initiatives that will require official plan amendments for implementation including the new Provincial Policy Statement and the Growth Plan (Places to Grow), that the official plan could be amended once to incorporate all of these strategies. The Greenbelt Plan (Section 5.3) prescribes what the conformity official plan amendment should include. Staff will report back to Council at a future date regarding the proposed conformity amendment process including timing, and any budgetary requirements.

Vaughan Council requested that the *Greenbelt Act* be amended to exempt Official Plans that are passed in conformity with the Greenbelt Plan from appeals to the Ontario Municipal Board. This amendment was not made to the final *Greenbelt Act*, leaving the City vulnerable to appeals through the conformity process.

The Act also contains transition provisions for applications, matters, or proceedings commenced prior to December 16, 2004. Section 24 of the Act requires that applications, matters or proceedings commenced on or after December 16, 2004, relating to areas designated as "Protected Countryside" in the Greenbelt Plan, except as may be otherwise prescribed, must comply with the Greenbelt Plan.

Applications, matters or proceedings commenced before December 16, 2004, relating to areas designated as "Protected Countryside" are not subject to the Greenbelt Plan, except as may be otherwise prescribed.

Ontario Regulation 61/05 prescribes the applications, matters, or proceedings, which have commenced prior to December 16, 2004, that must comply with the Greenbelt Plan. These include applications to amend the official plan for mineral aggregate uses, and applications to

amend the official plan within the Towns of Markham, Richmond Hill, and Whitchurch-Stouffville, and the City of Toronto. As neither of these situations apply to Vaughan, all applications which have previously been held as a result of the *Greenbelt Protection Act* moratorium may continue to be processed, and are not required to conform with the provisions of the Greenbelt Plan.

The transition policies of the *Greenbelt Act* have been sufficiently clarified, as per Council's recommendation to the Ministry of Municipal Affairs and Housing.

The Greenbelt Plan will be reviewed every 10 years, and will be coordinated with the review of the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. The Greenbelt Plan states that the purpose of the review is to assess the effectiveness of the policies of the Plan and make amendments, if appropriate. The review will only consider a modification to the urban boundaries within the Greenbelt if the upper-tier or single-tier municipality provides a comprehensive justification or growth management study.

The Minister can propose amendments to the Greenbelt Plan. For any proposed amendments, the Act contains requirements for consultation and public participation, and processes for appointing a hearing officer for the proposed amendments.

The Minister will establish a Greenbelt Council. The Greenbelt Council shall advise the Minister on matters relating to the Act and other tasks related to the Greenbelt as specified by the Minister.

The Greenbelt Plan

The Greenbelt Plan designates lands within the Greater Golden Horseshoe as "Protected Countryside", where urbanization is prohibited. The "Protected Countryside" in Vaughan is shown on Attachment #1.

The draft Greenbelt Plan, released in October 2004, proposed to designate approximately 4154 hectares in Vaughan as "Protected Countryside". The Greenbelt mapping for Vaughan has since been amended to designate 4075 hectares as "Protected Countryside" resulting in a decrease of 79 hectares from the draft Greenbelt designation.

The changes to the final Greenbelt mapping include the following:

- Addition of Boyd Park lands;
- Addition of Provincially Significant Area of Natural and Scientific Interest in Block 39 which is owned by the TRCA;
- Deletion of table land pockets within Blocks 34W, 41, 42, 49, 55, 63, 68 and 69.
- Addition of lands in Blocks 35W and 42 which are reflective of the Valleyland designation in OPA 600.

As per Council's recommendations, Boyd Park has been included within the Greenbelt designation, and table land areas designated "Rural Use Area" and "Agricultural Area" in OPA 600 have been removed from the Greenbelt.

Geographic Specific Policies

The "Protected Countryside" is made up of an agricultural system and a natural system, together with a series of settlement areas within the Greenbelt. Each of the three systems; agricultural, natural and settlement areas, have respective policies which are briefly described below.

Agricultural System Policies

The Agricultural System is comprised of “specialty crop areas”, “prime agricultural lands”, and “rural areas.” The Greenbelt Plan identifies lands within the specialty crop areas (none of which are in Vaughan), and the plan defers to municipal official plans to delineate prime agricultural areas and rural areas and the delineated boundary of settlement areas.

Prime agricultural areas have been defined in OPA 600 as lands designated as “Agricultural Area” on Schedule “F” to OPA 600. The Greenbelt Plan also defers the delineation of rural areas to municipal official plans. Rural areas are those lands outside of settlement areas, are not prime agricultural areas, and are generally designated as rural or open space within municipal official plans. The rural areas within the “Protected Countryside” have been designated as “Rural Use Area” in OPA 600 on Schedule “F” and “Rural Area” in OPA 601 on Schedule “A”. The OPA 600 and OPA 601 land use designations within the “Protected Countryside” are shown on Attachment #2.

The Agricultural System within the Greenbelt is comprised of three policy areas: the specialty crop areas; prime agricultural areas; and rural areas. The City of Vaughan does not have any specialty crop areas either designated in the City’s official plans or within the Greenbelt Plan, and as such, the policies with respect to the specialty crop areas do not apply in Vaughan. In OPA 600 there are lands designated “Agricultural Area” and “Rural Use Area”, in addition to OPA 601 (the Kleinburg-Nashville Community Plan) where there is a “Rural Area” designation.

The “Agricultural Area” designation in OPA 600 was based on the 1994 “Agricultural Priority Area Study” conducted as a part of the background work for OPA 400. This study delineated the areas of agricultural priority and was based on Provincial criteria.

The Greenbelt Plan provides a one time review of the designations for prime agricultural areas and rural areas within the “Protected Countryside”, subject to the criteria identified in the Greenbelt Plan. This review would be precipitated by York Region conducting a comprehensive review of the agricultural lands within the Region. An updated analysis of the agricultural lands within the Region may be warranted, particularly within Vaughan, as the latest study was completed in 1994, and newer methods of assessment and evaluation exist today in addition to a different policy context with the new Provincial Policy Statement.

The Greenbelt Plan provides that within the Prime Agricultural Areas, normal farm practices, and a full range of agricultural, agriculture-related and secondary uses are supported and permitted. Prime agricultural areas are not permitted to be redesignated in municipal official plans for non-agricultural uses. This is consistent with the policies of OPA 600 which limit the permitted uses within the “Agricultural Area” to agricultural or agricultural related uses.

The *Greenbelt Act* and Greenbelt Plan states that municipalities may not be more restrictive than the policies of the Greenbelt Plan as they apply to agricultural uses and mineral aggregate resources with the exception of the lot creation policies of Section 4.6.

The “Rural Area” supports and provides the primary locations for a range of recreational, tourism, institutional and resource-based commercial/industrial uses. New multiple units or multiple lots for residential dwellings (e.g., estate residential subdivisions, adult lifestyle or retirement communities), whether created by plan of subdivision, condominium or severance are not permitted within the rural area. The Greenbelt Plan defers to municipal official plans for the determination of the boundaries of the rural areas.

OPA 600 and OPA 601 (the Kleinburg-Nashville Community Plan) both contain rural area designations termed “Rural Use Area” and “Rural Area”, respectively. In OPA 600 and OPA 601, the “Rural Use Area”/“Rural Area” designations permit: farming and accessory uses; farm related uses; forestry, conservation; and limited rural, industrial, commercial, recreational, cemetery and

institutional uses, with an amendment to the Official Plan. The uses permitted within the Greenbelt Plan, are consistent with the City's current official plans.

The Greenbelt Plan provides that municipal official plans may be more restrictive of the types of uses permitted within the Rural Areas.

Natural Heritage System Policies

The Natural Heritage System is comprised of the Natural Heritage System and the Water Resource System and key natural heritage features and key hydrologic features. The Natural System is not a land use designation, but rather it functions as an overlay on top of the prime agricultural and/or rural area designation contained in the official plan. As such, permitted uses are those set out within the current official plan designations, subject to the policies of the Natural System. The boundaries of the natural heritage system (interior to the Greenbelt Plan Area) may be refined at the time of municipal conformity in accordance with the Natural Heritage System policies in the Greenbelt Plan. The boundary of the Natural Heritage System within the Protected Countryside are shown on Attachment #1.

The Natural Heritage Systems in Vaughan comprises the majority of the lands within the Greenbelt in Vaughan. There is a small portion on the east and west sides of Regional Road 27, south of King Vaughan Road, which is not within the Natural Heritage System.

The Natural System policies afford a higher level of environmental protection to the key natural heritage features and key hydrologic features than currently contained in the City's official plan, or as required by the Provincial Policy Statement (PPS). Key Natural Heritage Features and Key Hydrologic Features include: significant habitat of endangered species, threatened species, or species of concern; fish habitat; wetlands; Life Science Areas of Natural and Scientific Interest; significant valleylands; significant woodlands; significant wildlife habitat; sand barrens, savannahs, and tallgrass prairies; alvars; permanent and intermittent streams; lakes; seepage areas and springs; and wetlands. Development and site alteration is not permitted within key natural heritage features and key hydrologic features within the Natural Heritage System.

Outside of the Natural System, within the Protected Countryside, key hydrologic features are defined by and subject to the policies of the natural heritage section of the Greenbelt Plan, whereas outside of the Natural System, within the Protected Countryside, key natural heritage features are not subject to the natural feature policies of the Greenbelt Plan, but are defined, and are subject to the policies of the PPS.

The Natural feature policies require a 30m buffer (minimum vegetative protection zone) around wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, and any proposal for development or site alteration within 120m of a feature requires that a natural heritage evaluation or a hydrologic evaluation to be completed. These requirements are similar to those found in the Oak Ridges Moraine Conservation Plan.

Settlement Area Policies

Vaughan's Settlement Areas are predominantly outside of the Greenbelt. These "settlement areas" (as defined within the Greenbelt Plan) are the existing urban areas within the City's Official Plans, as also recognized in York Region's Official plan. Settlement areas outside of the Greenbelt, are not permitted to expand into the Greenbelt. However, the Greenbelt mapping, in some isolated cases, appears to extend into areas approved for development which pre-dated the Greenbelt Plan (i.e., urban designations in OPA 600). In this case, there are policies within the Greenbelt Plan which provide that the existing designation of settlement areas defer to the local official plans, and that the policies of the Greenbelt Plan do not apply.

Settlement Areas within the Greenbelt include towns/villages and hamlets. Vaughan currently has one hamlet designated in OPA 600 at the north east corner of Jane Street and Teston Road. A small portion of this hamlet has been included within the Protected Countryside. Hamlets continue to be governed by the municipal official plan and are not subject to the policies of the Greenbelt Plan, with the exception of the external connection policies.

General Policies for the Protected Countryside

There are general policies for the Protected Countryside including policies regarding Non-Agricultural Uses, Natural Resources, and Cultural Heritage Resources.

Infrastructure Policies

The infrastructure policies of the Greenbelt Plan permit infrastructure approved under the *Environmental Assessment Act, Planning Act, etc.* within the Protected Countryside, subject to a number of criteria established within the Plan. The Plan also acknowledges that major infrastructure serving national, provincial and inter-regional needs traverse the Greenbelt. The infrastructure policies require that the location, construction, expansion, extension, operations and maintenance of infrastructure within the Protected Countryside minimize negative impact on the natural system and the rural landscape.

Further infrastructure policies apply to Sewage and Water Services, and Stormwater Management. Sewage and Water Service policies provide that where settlements do not currently have Great Lake (or Lake Simcoe) based water and sewage services, extensions to or expansion of services is not permitted. These policies apply to settlements within the Protected Countryside, and do not apply to any existing settlement areas within Vaughan.

Existing Uses

The Greenbelt Plan permits all existing uses, lawfully used for such purpose on the day before the Greenbelt Plan came into force, to continue. In addition, single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force, or where an application for a zoning by-law is required as a condition of severance granted prior to December 14, 2003, but where the application had not yet proceeded. Expansions to existing agricultural buildings and structures, residential dwellings and accessory uses to both, will be considered subject to criteria established within the Greenbelt Plan.

Lot Creation Policies

Lot creation is permitted within the Protected Countryside for the range of uses permitted within the Greenbelt Plan. Lot creation is also permitted in the following circumstances:

- acquiring land for infrastructure purposes;
- 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 the specialty crop or prime agricultural area; and
- minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural area and there is no increased fragmentation of a key natural heritage feature or key hydrological feature.

New multiple units or multiple lots for residential dwellings (i.e., estate residential subdivisions or adult lifestyle communities) are not permitted within the rural area. In addition, municipal official plans may be more restrictive than the Greenbelt Plan for the creation of lots within the rural area.

Within a prime agricultural area, lot creation is permitted for:

- agricultural uses where the severed and retained lots are intended for agricultural uses and provided that the minimum lot size is 100 acres (40.4 ha) within prime agricultural areas;
- existing and new agriculture-related uses, provided that any new lot will be limited to the minimum size needed to accommodate the use, including sewage and water systems;
- severance of a residence surplus to a farm operation as a result of farm consolidation, which residence was an existing use as of the date the Greenbelt Plan came into force;
- the above policy also applies to rural areas, and the severance should be limited to the minimum size needed to accommodate the dwelling, including existing and reserve areas for individual sewage and water services.

Implementation

The *Greenbelt Act* requires that decisions with respect to applications made under the *Planning Act* and *Condominium Act* which were commenced on or after December 16, 2004 within the Protected Countryside are required to conform to all applicable policies and provisions of the Greenbelt Plan.

The Act also allows the Minister to pass regulations requiring that applications commenced prior to December 16, 2004, conform to the Greenbelt Plan. Ontario Regulation 61/05 has been passed which requires that all official plan amendments for mineral aggregate uses and official plan amendments for lands within the Towns of Markham, Richmond Hill, and Whitchurch-Stouffville and the City of Toronto, conform to the entire Greenbelt Plan. The City of Vaughan does not have applications which meet the criteria established in this regulation and therefore, the applications within the Protected Countryside which were commenced prior to December 16, 2004, can proceed without conforming to the provisions of the Greenbelt Plan.

There are currently 5 properties listed below with Planning applications within the designated Protected Countryside. These applications are shown on Attachment #3 and were previously held in abeyance in accordance with The *Greenbelt Protection Act*. These applications are not prohibited by The Greenbelt Act from being processed. However, these applications may be subject to the other Official Plan policies and review.

<u>Application</u>	<u>Application</u>	<u>Location</u>	<u>Purpose</u>
1. Z.00.075	Ian Fraser	4900 King-Vaughan Road	Severance Residential
2. Z.01.052 & B76/03, B77/03	Bostock	11410 Pine Valley Drive	Severance Residential
3. 19T-01V05 & Z.01.026	1132884 Ontario Inc.	11720 Highway 27	Estate Residential Subdivision
4. 19T-03V07	Vito & Marianne Pacifico	East side of Kipling Avenue north of Kirby Road	Estate Residential Subdivision
5. Z.02.010	1269020 Ontario Limited et al	5511 Kirby Road	Severance Residential

In addition, Section 5.2.1 allows that official plans, or zoning by-laws which were amended prior to December 16, 2004 that specifically designate land uses, may continue to be recognized through the conformity exercise, and any further applications required to implement the official plan designation (i.e., subdivision, zoning, site plan, minor variance, consents) are not required to conform with the Greenbelt Plan. Applications to further amend the site-specific official plan and

zoning by-law permission for uses similar to or in more conformity with the provisions of the Greenbelt plan are also permitted.

The change to the transition provisions of the Greenbelt Plan are reflective of the resolution passed by Council requesting that the transition policies be clarified.

Municipal Official Plans must be amended to conform to the Greenbelt Plan. The timing for this conformity amendment has not been prescribed, however, the *Greenbelt Act* allows for this to occur in concert with the 5 year review of an official plan. The recommendation contained in this report is for staff to report back to a future Committee of the Whole with a process for Greenbelt Conformity.

The Province will establish a Greenbelt Council which will consider how the implementation of the Greenbelt plan is proceeding, including identification of issues arising from implementation.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly relating to 'A3', "Safeguard Our Environment" respecting City-wide protection of the environment and encouraging preservation of significant natural areas, and 'A5', "Plan and Manage Growth".

Conclusion

The Province has finalized the *Greenbelt Act* and the Greenbelt Plan, permanently designating 4107ha in Vaughan as "Protected Countryside". The Greenbelt Act requires that all decisions made under the *Planning Act* and *Condominium Act* conform to the provisions of the Greenbelt Plan, and that municipalities with land in the Greenbelt amend their official plans to be in conformity with the Greenbelt Plan. Staff will bring forward a comprehensive report detailing a proposed conformity process.

Attachments

1. The Protected Countryside in Vaughan
2. Land Use Designations within the Protected Countryside
3. Applications within the Protected Countryside

Report prepared by:

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Respectfully submitted,




JOHN ZIPAY
Commissioner of Planning

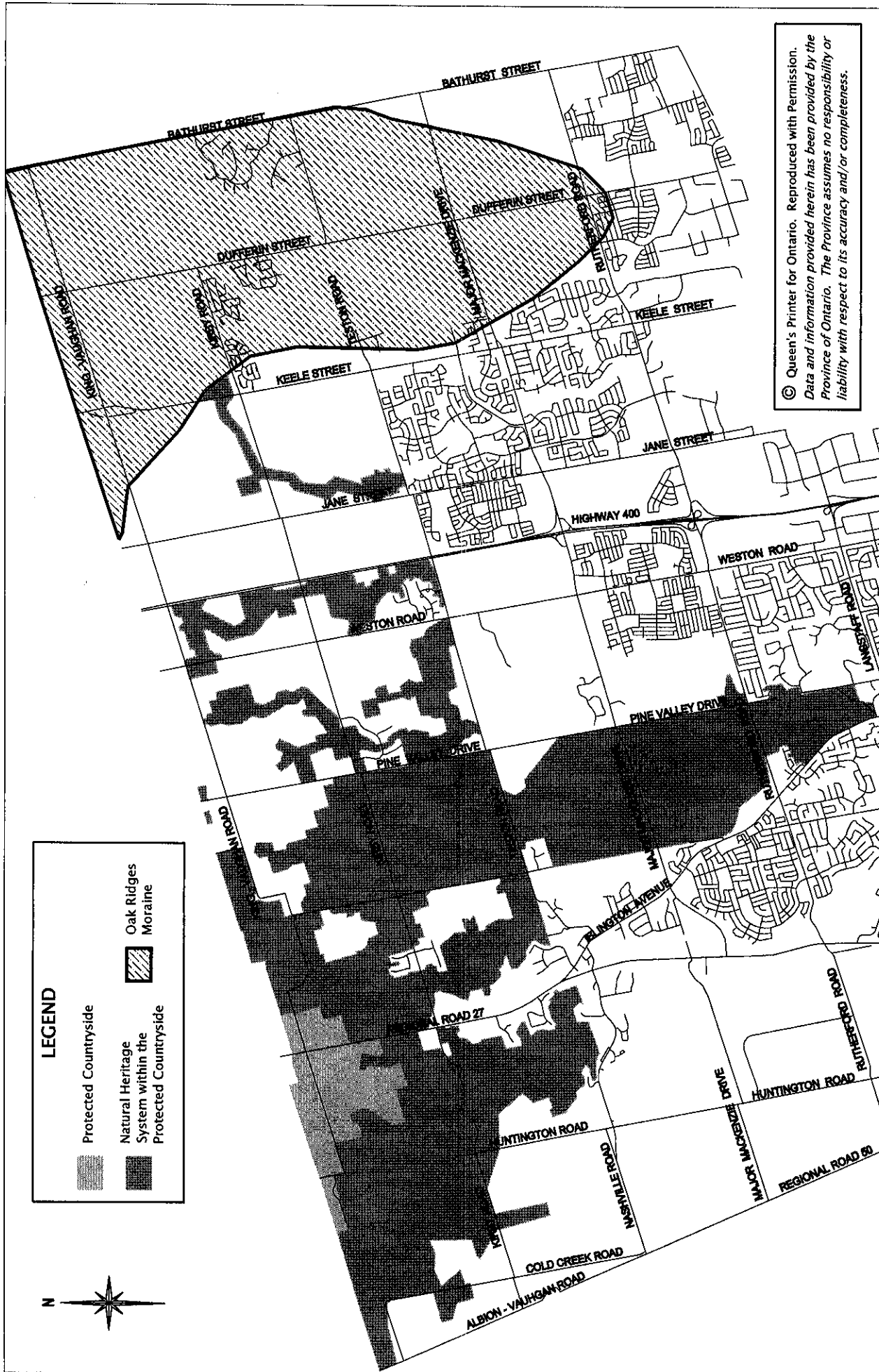
MARCO RAMUNNO
Director of Development Planning

/CM



LEGEND

-  Protected Countryside
-  Natural Heritage System within the Protected Countryside
-  Oak Ridges Moraine



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Greenbelt In Vaughan

Part of Lots 1, 11 - 35,
Concessions 2 - 11

APPLICANT:
CITY OF VAUGHAN

N:\DPT\1 ATTACHMENTS\2\22-19

CITY of
Vaughan

Development Planning Department

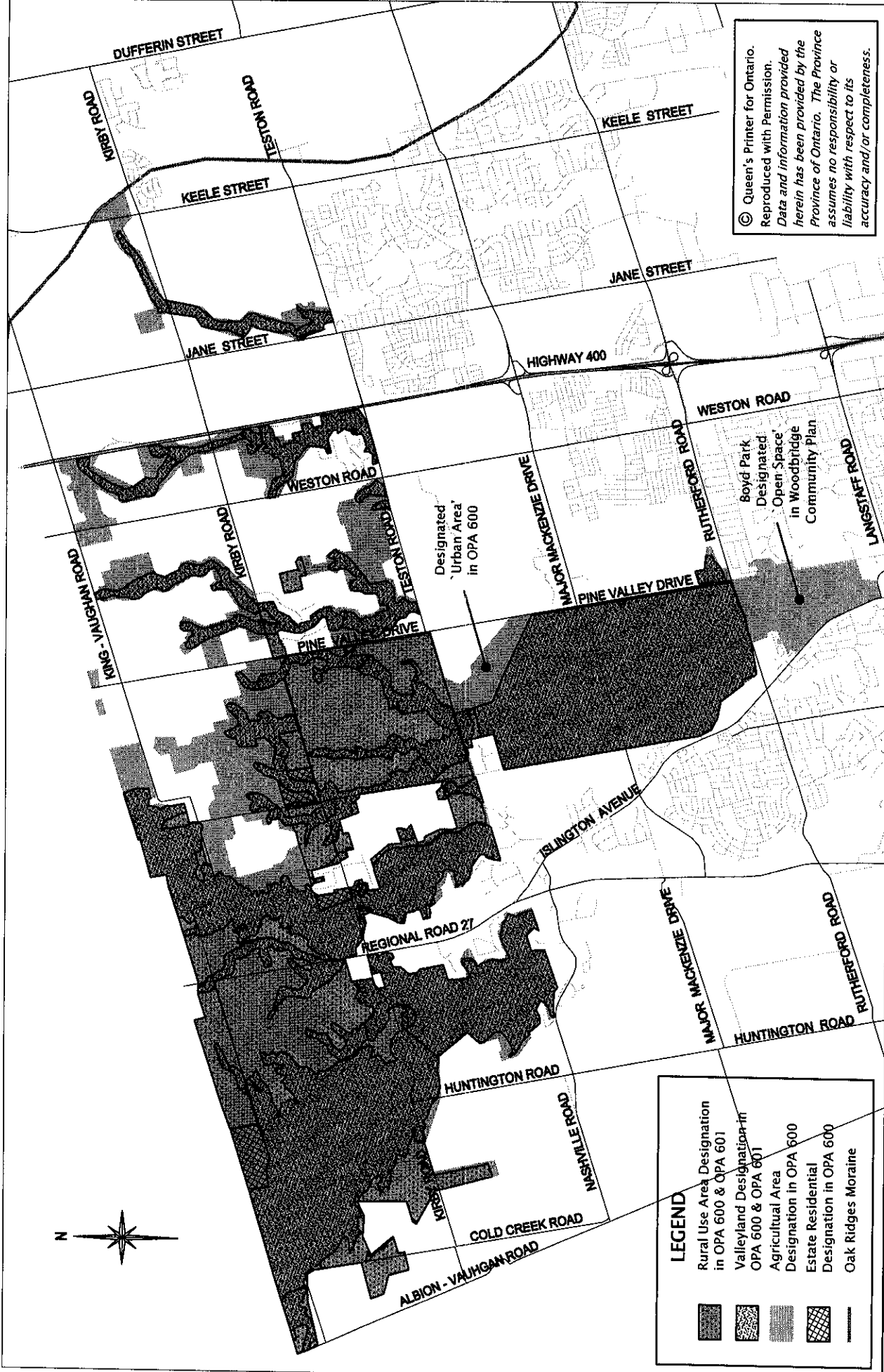
Attachment

FILE No.:
22-19

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April 15, 2005





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Attachment 2

FILE No.: 22.19
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 May 9, 2005

City of Vaughan

Development Planning Department

Protected Countryside with OPA 600 / OPA 601 Land Use Designations

APPLICANT: Part of Lots 1, 11 - 35,
 CITY OF VAUGHAN Concessions 2 - 11

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