

PL-A2-1

DATE: April 13, 2005

SUBJECT: **PLANNING POLICY AND RESEARCH
GREENBELT ACT, 2005 AND GREENBELT PLAN**

FROM: Nick Tunnacliffe, Commissioner of Planning

OBJECTIVE

The purpose of this report is to advise Regional Council of the *Greenbelt Act, 2005* which came into effect on February 24, 2005 and the policy requirements of the accompanying Greenbelt Plan which was released on February 28, 2005 by the Ministry of Municipal Affairs and Housing.

REPORT HIGHLIGHTS

- The *Greenbelt Act, 2005* came into effect on February 24, 2005 and is retroactive to December 16, 2004. It implements the Greenbelt Plan.
- Both the Act and the Plan are now law, and must be implemented by affected municipalities.
- All planning decisions must conform to the Greenbelt Plan, however, applications made before December 16, 2004 do not have to conform to the Greenbelt Plan.
- Municipal official plans have to be brought into conformity with the Greenbelt policies.
- The Greenbelt is comprised of the Niagara Escarpment, the Oak Ridges Moraine, and the Protected Countryside.
- 45% of Peel Region falls within the Greenbelt.
- 80% of Caledon and 1% of Brampton are covered by the Greenbelt.

DISCUSSION

1. Background

The *Greenbelt Act, 2005* (Bill 135) received Royal Assent on February 24, 2005. It implements the Greenbelt Plan which was released on February 28, 2005. The Act is retroactive to December 16, 2004. Both the Act and the Plan are the culmination of a process that began in December 2003 when the provincial government introduced Bill 27 – the Greenbelt Protection Act, and placed a one-year moratorium on urban uses outside of urban areas. The moratorium was subsequently extended by Bill 157 to March 9, 2005. Also, a Greenbelt Task Force was formed to recommend on the establishment of a greenbelt.

The *Greenbelt Act* and Plan are now law, and are to be implemented by affected municipalities. The Greenbelt Plan is one of a number of recent provincial initiatives including the Provincial Policy Statement, and the Draft Places To Grow Plan. These other

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initiatives are being considered under separate cover at the April 7, 2005 General Committee meeting.

2. The Greenbelt Act, 2005

a) Greenbelt Coverage

The Greenbelt's total land area cannot be reduced in size.

b) Conformity and Conflict

All planning decisions must conform to the Greenbelt Plan. Municipalities located within areas designated as Protected Countryside must amend official plans to conform to the Greenbelt Plan. Municipal conformity exercises are subject to subsection 26 (1) of the Planning Act which calls for a review every five years.

The Greenbelt Plan prevails if a conflict occurs with an official plan, zoning by-law, or a provincial policy statement. However, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan prevail if conflicts arise with the Greenbelt Plan. The Greenbelt Plan prevails if conflicts arise with other acts.

c) Review of the Greenbelt Plan

The Act prescribes a review every ten years, coincident with reviews of the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan.

d) Greenbelt Council

A Greenbelt Council is to be established by the Province. The Council will be responsible for identifying issues pertaining to the Greenbelt Plan's implementation and providing advice on establishing performance measures for the Plan. The Council will also be instrumental in shaping the Plan's review.

e) Transition Provisions

Applications made prior to December 16, 2004 do not have to conform to the Greenbelt Plan, even though decisions on those applications have not been made. Applications made on or after December 16, 2004 for the Protected Countryside area must conform to the Greenbelt Plan.

3. The Greenbelt Plan

The Golden Horseshoe Greenbelt encompasses 1.8 million acres of land. A map of the Greenbelt area is attached as Appendix I. It spans 325 kilometres from the east end of the Oak Ridges Moraine near Rice Lake, to the Niagara River in the west end. In identifying where urbanisation is prohibited, the Greenbelt Plan provides permanent protection to the agricultural land base and the constituent ecological features and functions. Specifically, the Greenbelt is comprised of 1] the Niagara Escarpment and the Oak Ridges Moraine lands, 2] the Protected Countryside, and 3] Settlement Areas.

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The Protected Countryside is comprised of an Agricultural System and a Natural System, along with a series of settlement areas. The Agricultural System contains specialty crop, prime agricultural, and rural areas. The Natural System identifies lands supporting natural heritage and hydrologic features and functions. Towns, villages, and hamlets constitute the settlement areas.

Properties located with the Niagara Escarpment Plan area or the Oak Ridges Moraine Conservation Plan area are subject to those plans. Lands located entirely within the Protected Countryside designation are subject to the Greenbelt Plan.

a) Mapping

Greenbelt mapping was prepared by the Surveyor General using TerraNet data and input from municipalities and conservation authorities. Municipal official plans delineate boundaries of prime agricultural, rural, and settlement areas.

The Natural Heritage System is not a designation, but rather an overlay of prime agricultural and/ or rural area designations as contained in municipal official plans. Boundaries of the natural heritage system may be refined with greater precision at the time of municipal conformity.

b) Coverage In Peel

Preliminary calculations indicate that 45 per cent of Peel Region is covered by the Greenbelt. Specifically, 11 per cent lies in the Niagara Escarpment, 13 per cent lies in the Oak Ridges Moraine, and 21 per cent is designated as Protected Countryside. A map of the Greenbelt in Peel is attached as Appendix II.

80 per cent of Caledon is covered by the Greenbelt. 20 per cent lies in the Niagara Escarpment, while 23 per cent lies in the Oak Ridges Moraine. 38 per cent is designated as Protected Countryside. Only 1 per cent of Brampton falls within the Greenbelt.

c) Prime Agricultural and Rural Area Policies

Prime agricultural areas cannot be redesignated in municipal official plans for non-agricultural uses. New land uses, lot creation, and new or expanding livestock facilities must comply with minimum distance separation formulae.

Recreational, tourism, institutional and resource-based commercial/industrial uses are supported in rural areas. Existing historic highway commercial, non-farm residential, and other uses are recognised in rural areas, and are allowed to continue and expand subject to certain criteria. However, municipal official plans may be more restrictive than the Greenbelt Plan regarding permitted uses in rural areas.

New multiple units or multiple lots for residential dwellings (eg. estate residential or adult lifestyle or retirement communities) are not permitted in rural areas. The promotion or extension of strip development is also not permitted.

d) Key Natural Heritage and Key Hydrologic Features

Development or site alteration is prohibited within the features, except for flora and fauna management, conservation and flood or erosion control projects, and necessary

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infrastructure. Expansions of existing agricultural buildings/structures and farm and non-farm dwellings together with accessory uses are permitted in the features subject to criteria.

Natural heritage and hydrological evaluations are required for new developments or site alteration within 120 metres (393 Feet) of a feature within the natural heritage system or a key hydrologic feature within the Protected Countryside. Also, 30-metre (90 feet) vegetation protection zones are identified as minimums for new buildings and structures, as well as features such as wetlands, significant woodlands and fish habitat to name a few.

e) Settlement Areas

Towns and villages are to be the focus of development and related socio-economic activity, given their concentrations of population and employment. Hamlets are to play a lesser role in accommodating concentrations of residential, commercial, industrial, and institutional development.

Settlement areas outside the Greenbelt are not permitted to expand into the Greenbelt. Expansions may be contemplated for Towns/Villages at the 10-year Plan review period subject to a number of criteria including municipal water and sewer servicing. Settlement area expansions initiated before the Greenbelt Plan came into effect may be considered during municipal conformity. However, a number of conditions must be satisfied including council authorisation to consider expansion, background studies, and no extension into the natural heritage system.

f) Permissions and Restrictions Within The Protected Countryside

i) Settlement Areas

Towns and villages can grow modestly, and within their capacities to provide locally-based water and sewage services. Infill and the intensification of hamlets are permitted, subject to appropriate water and sewerage services.

ii) Existing Uses

All lawful existing uses are permitted. Also, single dwellings are permitted on existing lots of record as long as they were zoned for such on December 16, 2004. Expansions of buildings within the key natural heritage and hydrologic features may be considered subject to criteria.

iii) Non-Agricultural and Recreational Uses

Trails, parks, golf courses, bed and breakfasts and other tourism-based accommodation, serviced playing fields and campgrounds, ski hills and resorts are permitted in the rural areas of the Protected Countryside. However, non-agricultural uses are not permitted within prime agricultural areas within the Protected Countryside. Applications to expand or establish major recreational uses must be accompanied by a conservation plan.

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iv) Infrastructure

All existing, expanded or new infrastructure is permitted. Infrastructure planning, design, and construction must minimise the area of Greenbelt and natural heritage features traversed and/ or occupied by the infrastructure. New or expanding infrastructure must avoid key natural heritage and key hydrological features, unless there is a demonstrated need, together with no reasonable alternative.

Extensions to or expansions of existing Great Lake or Lake Simcoe based water and sewage servicing is prohibited unless it is required to address a public health issue. The servicing capacity will be restricted to the existing settlement, as well as the capacity for potential development within the approved settlement boundary.

Where settlements currently have approvals for Great Lake based water and/ or sewer services, such services may be extended and expanded to service growth within approved settlement area boundaries.

Environmental assessments supporting expanded water and sewage services must be contemplated or approved before settlement boundaries are amended; expansions are not permitted into the natural heritage system.

v) Aggregates

Aggregates have been recognised for their contributions to the building industry and availability close to markets. No new mineral aggregate operations will be permitted in significant key natural heritage areas, but, are permitted in other key natural heritage features. Applications for new mineral aggregate operations and expansions are subject to a number of criteria.

The Greenbelt Plan identifies the procedure for rehabilitating active extraction sites, including targets and timelines for meeting progressive rehabilitation requirements. The Greenbelt Plan recognises conformity of municipal implementation of comprehensive aggregate resource management studies into official plans.

vi) Monitoring/Performance Measures

Performance measures will be established through MMAH and conducted in conjunction with municipalities and stakeholders.

4. Implications for Peel Region

The Region together with Brampton and Caledon are responsible for implementing the Greenbelt Plan. As such, official plans have to be brought into conformity with the Greenbelt Plan. Municipalities may adopt more stringent policies than those prescribed by the Greenbelt Plan, unless such policies conflict with either its policies or objectives. No deadline has been prescribed for conformity amendments. The next Regional official plan review will begin in 2007 with a public meeting. Regional staff will work together with area municipal staff to identify a process for establishing conformity with the Greenbelt Plan during the official plan review process. Until that happens, Regional staff will implement the Greenbelt Plan through its review of development applications.

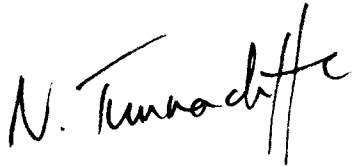
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CONCLUSION

The *Greenbelt Act, 2005* received third reading and Royal Assent on February 24, 2005. The Greenbelt Plan which was released by the Province on February 28, 2005 is now in effect. The Region of Peel will work with the area municipalities to implement the Greenbelt Plan.



Nick Tunnacliffe
Commissioner of Planning

Approved for Submission:



R. Maloney, Chief Administrative Officer

Authored By: Gena Ali

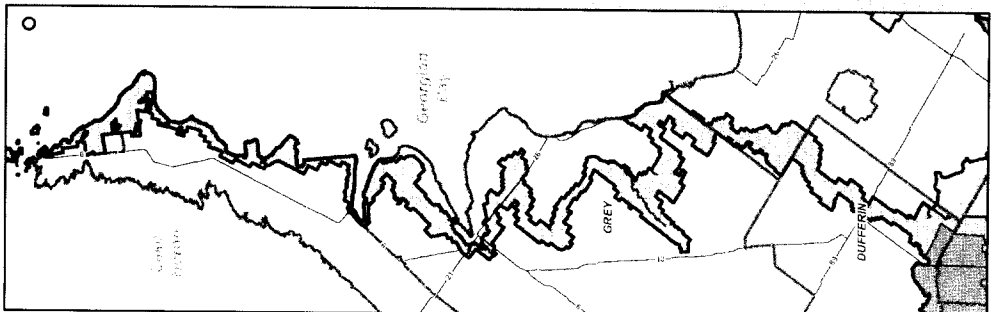
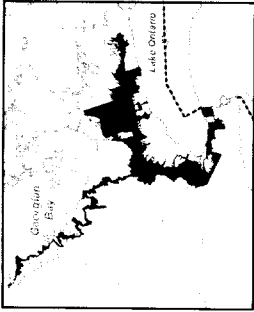
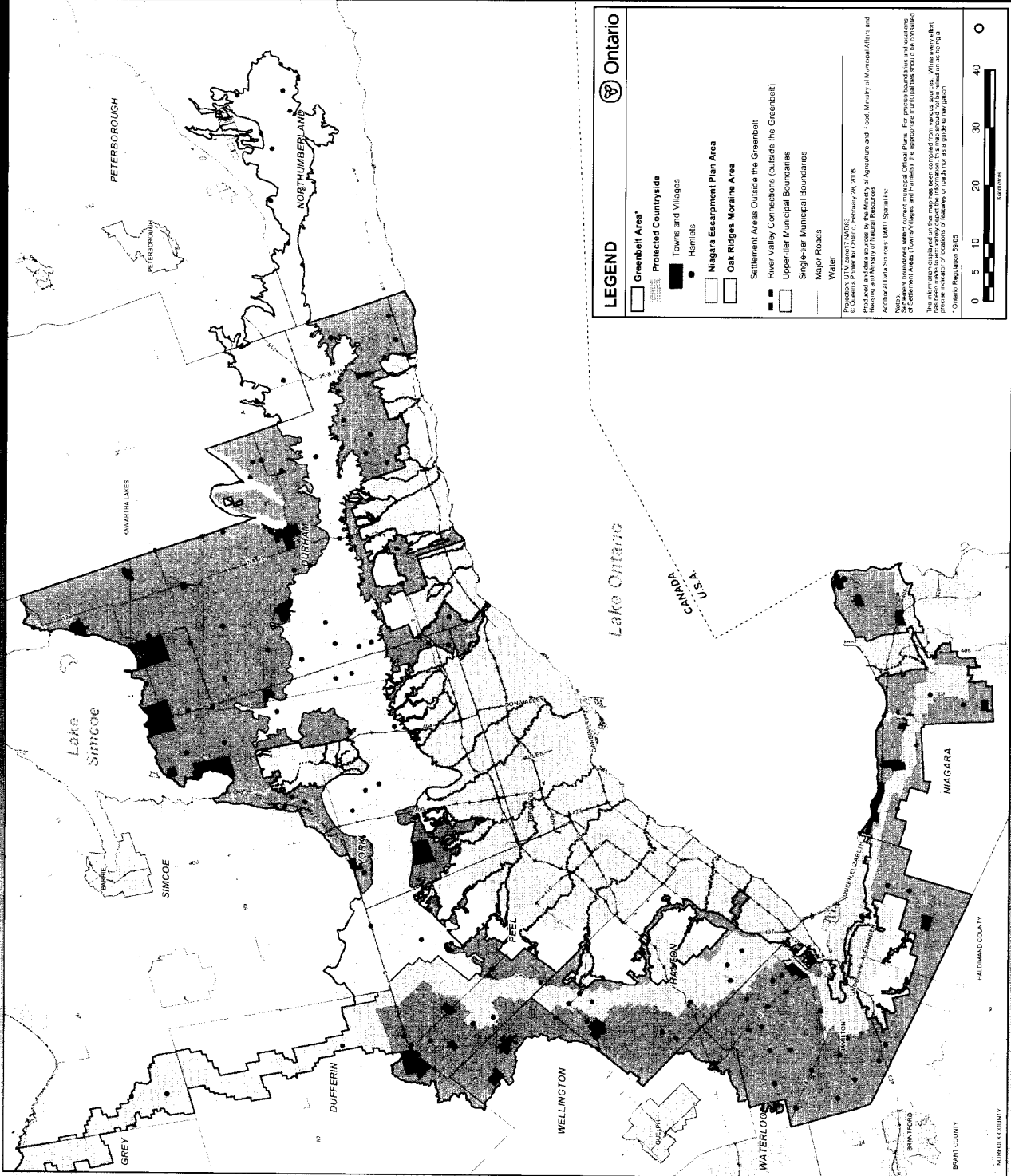
c. Legislative Services

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Greenbelt

Schedule 1: Greenbelt Plan Area



LEGEND

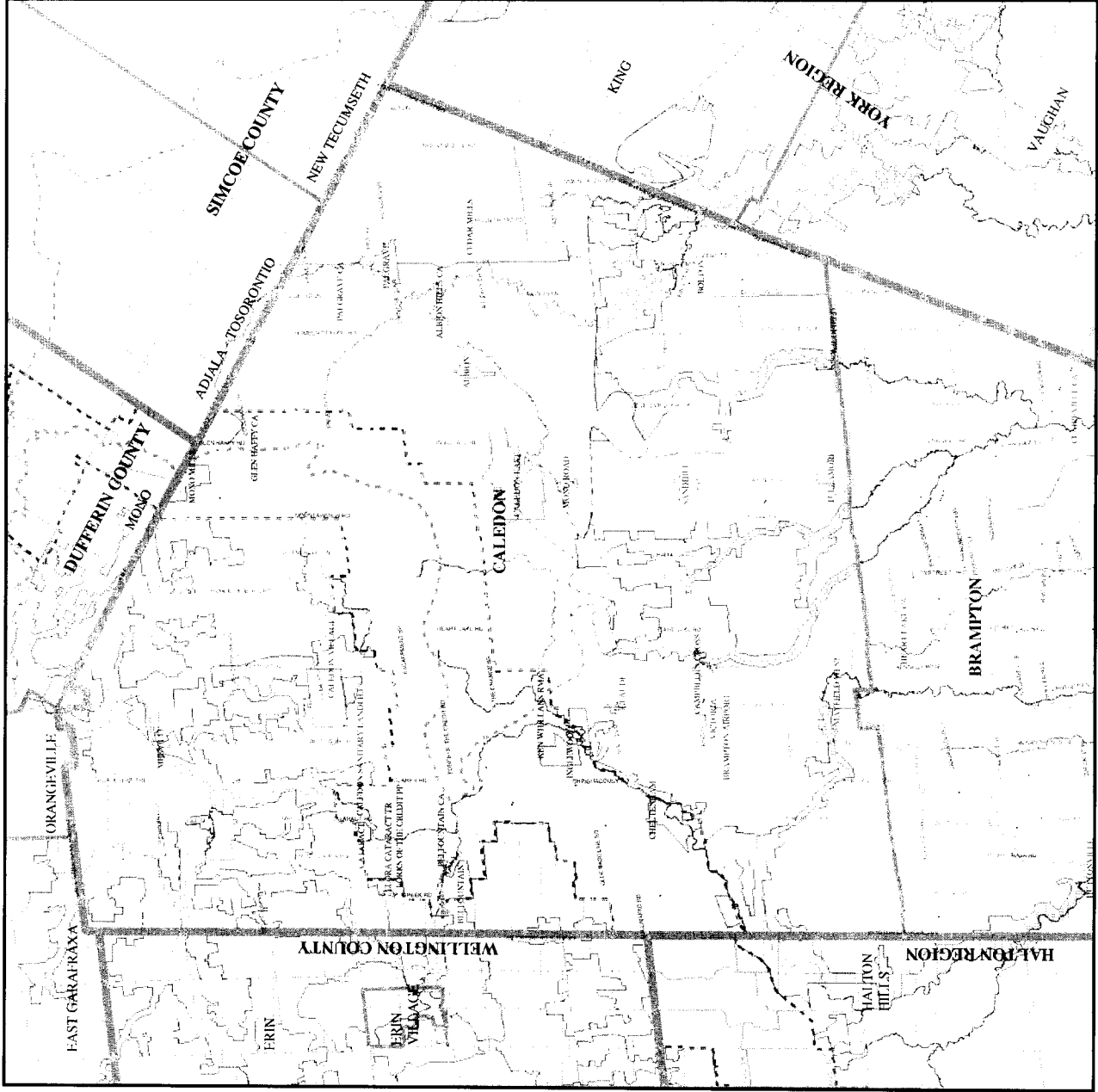
- Greenbelt Area*
- Protected Countryside
- Towns and Villages
- Reminds
- Niagara Escarpment Plan Area
- Oak Ridge Moraine Area
- Settlement Areas Outside the Greenbelt
- River Valley Connections (outside the Greenbelt)
- Upper-tier Municipal Boundaries
- Single-tier Municipal Boundaries
- Major Roads
- Water

Ontario

*Greenbelt Areas are defined in the Greenbelt Act, 2006 (S.O. 2006, Chapter 10) and the Greenbelt Regulations, 2006 (O.R. 2006, Chapter 1001). The Greenbelt Act and Regulations were produced and are subject to the Ministry of Agriculture and Food, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources. Additional Data Sources: LAMT Spatial Inc. © Queen's Printer for Ontario, February 28, 2005. The information displayed on this map has been compiled from various sources. While every effort has been made to ensure the accuracy of the information, the Province of Ontario does not assume any liability for errors or omissions as they appear hereon. © Crown Copyright 2005.

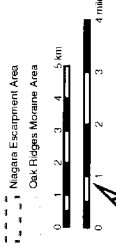
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Legend

- Major Roads
 - Residential Roads
 - Lots & Concessions
 - Major Rivers
 - Municipal Boundary
 - Regional Boundary
 - Settlement Boundary
 - Urban Boundary 2021
- Greenbelt Designations**
- Niagara Escarpment Plan Area
 - Oak Ridges Moraine Area
 - Protected Countryside
 - Natural Heritage System (overlays)



**GREENBELT PLAN
2005**