



Greenbelt Plan Conformity

November 2008

COMMENT SHEET
Region of Peel Greenbelt Plan Policy Review

This comment sheet is to be used to provide comments on the *Greenbelt Plan Policy Review Background Paper (October 2008)*.

Please provide your contact information below. Your information will not be given to any other party and will be used only for follow-up purposes related to this project¹.

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Comments are requested by December 12th, 2008

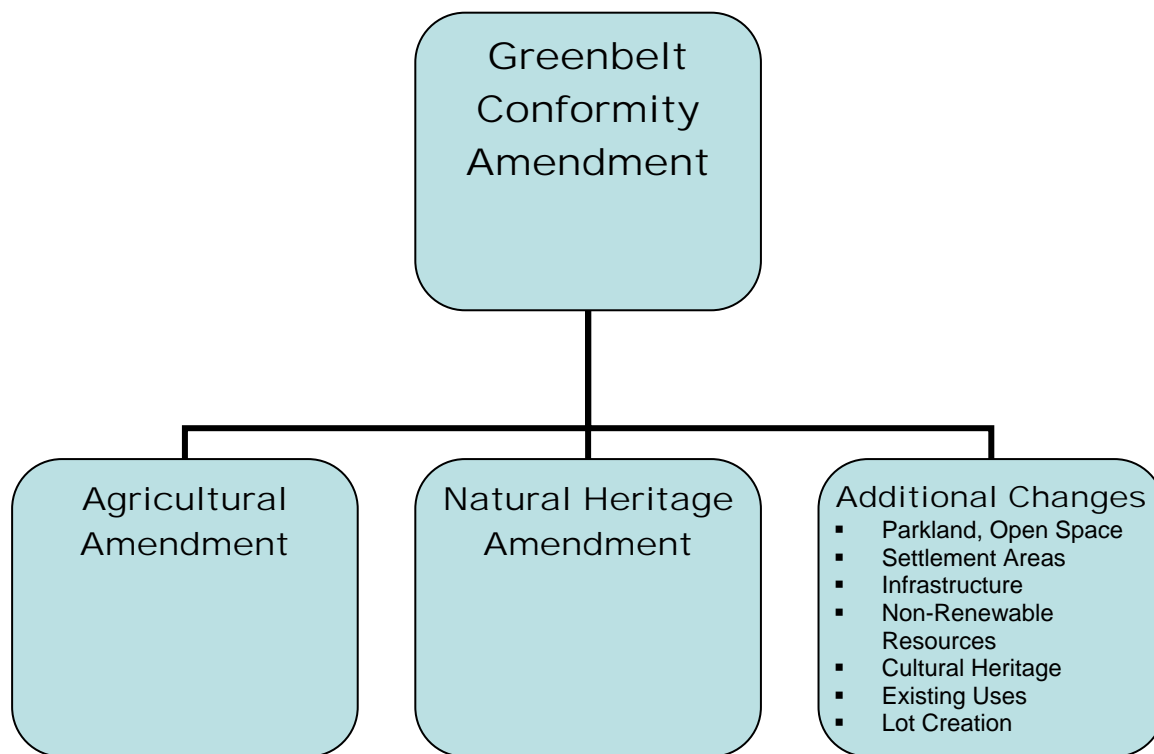
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The Greenbelt Plan Policy Review Background Paper

1) Purpose

The Background Paper summarizes the different elements of the Greenbelt Plan policy that require consideration for potential ROP amendment. The Paper lays out the Region's preferred approach for Greenbelt Conformity and makes recommendations on the broader structural changes that are required to create the necessary framework for the logical and rational amendment of the Plan. In the case of Greenbelt Policy Section 3.1 (Agricultural System) and 3.2 (Natural System) the specific recommendations for policy conformity will be derived from the focus area Discussion Papers, namely the Natural Heritage Policy Review (NHPR) Discussion Paper and the Agricultural Discussion Paper.



The Background Paper further makes recommendations on the next phase of the study, which is an Official Plan Conformity Analysis. This conformity analysis will include a detailed review of the official plans for Peel Region and the Town of Caledon, and provide, for each of the Greenbelt Plan policy directives, recommendations on whether or not policy additions/revisions are necessary; and what the extent and structure of such required additions/revisions should be.

2) Background

Bill 51 amends the Planning Act and requires all municipalities to review and update their official plans, not less frequently than every five years after the plan comes into effect.

Bill 135, the *Greenbelt Act, 2005*, provides the legislative basis for the Greenbelt Plan. Conformity to the Greenbelt Plan is a provincial requirement that must be addressed during the review and update of official plans. The Peel Region Official Plan Review (PROPR) is in the process of undertaking several concurrent policy review projects in accordance with an endorsed work program. This includes, as one of the focus areas, a review of the ROP's existing natural heritage policies. The results of this review have been incorporated in a Natural Heritage Policy Review Discussion Paper, which includes among other things discussion, analysis and options for Greenbelt Plan conformity requirements as it relates to natural heritage.

Through a comprehensive review of the Greenbelt Plan and the ROP, the Greenbelt Plan Policy Review Background Paper has endeavoured to identify the broader policy issues that potentially require amendment to the ROP. In order to address the official plan policy gaps, a process modelled on the successful conformity exercise for the Oak Ridges Moraine Conservation Plan is recommended. The ORM exercise saw the Region and the Town of Caledon jointly preparing and concurrently reporting on amendments to the official plans. The Greenbelt Plan Conformity requirements for both Brampton and Mississauga will have to be addressed at the same time. However, the extent of these requirements will be lesser in scope due to the fact that the majority of the Greenbelt Plan Area falls within Caledon and has very limited consequences for Brampton and Mississauga.

3) The Greenbelt Act, 2005

The *Greenbelt Act, 2005* enabled the creation of the Greenbelt Plan to protect environmentally sensitive and agricultural land in the Golden Horseshoe from urban development and sprawl. It includes and builds on land within the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan.

The legislation authorized the provincial government to designate a Greenbelt Area and establish a Greenbelt Plan. It sets out the main elements and objectives for the Greenbelt, which are addressed in the Plan. It also requires planning decisions to conform to the Greenbelt Plan. Pursuant to the *Greenbelt Act, 2005*, the Greenbelt Council was appointed by the Minister of Municipal Affairs and Housing in June 2005. The council provides advice on the administration of the Greenbelt and will guide the government on such matters as the implementation of the Greenbelt Plan, performance measures and the 10-year review of the plan.

4) The Greenbelt Plan (2005)

The Greenbelt Plan provides protective policies and directives for an area of land extending from Niagara Falls to Durham Region, referred to as the Golden Horseshoe. The Plan includes the protective measures of the Niagara Escarpment Plan (NEP), the Oak Ridges Moraine Conservation Plan (ORMCP) and the Parkway Belt West Plan (1978) and complements and supports other provincial initiatives. The Greenbelt Plan is intended to extend and enhance the protective measures of the lands currently covered by the NEP and the ORMCP as well as to improve linkages between these areas and the surrounding major lake systems and watersheds. The policies of the ORMCP and the NEP continue to apply and supersede the Greenbelt Plan, except for the parks and trails section.

The Greenbelt Plan contains two main designations – the Protected Countryside and Settlement Areas, which are delineated as Towns, Villages and Hamlets (Figure 1). The Protected Countryside is made up of two types of land use areas: the Agricultural System and the Natural System. Each land use area has its own set of polices as well as general policies that apply to each. In addition, parkland, open space and trail policies apply across the whole of the Greenbelt Area including the ORMCP, the NEP and the Parkway Belt West Plan Area.

The Greenbelt Plan includes lands within, and builds upon the ecological protections provided by, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. The Greenbelt Plan identifies where urbanization should not occur in order to provide protection to the agricultural land base and the ecological features and functions occurring on this landscape. One of the effects of the Greenbelt Plan is that it creates a 40 to 50 year urban boundary for the GTA based on historic rates of growth and densities.

5) Greenbelt Plan Policy Elements

Agricultural System

This element of the Greenbelt Plan is dealt with in more specific detail in the Agricultural Discussion Paper.

The Agricultural System comprises *Specialty Crop Areas*, *Prime Agricultural Areas* as designated within municipal official plans, and *Rural Areas* that consist of a mixture of agricultural lands, natural features and recreational and historic rural land uses. Municipalities may amend their Official Plan designations for Prime Agricultural Areas and Rural Areas when they bring their Official Plans into conformity with the Greenbelt Plan, only in the following circumstances:

- If the upper-tier or single-tier municipality has not amended the designation for its prime agriculture/rural lands to reflect the PPS (*Section 5.3.1*);
- If an upper-tier or single-tier has completed a comprehensive official plan review (*Section 5.3.1*); or,
- In order for a lower tier official plan to conform to an upper tier plan which has been amended in either of the above circumstances (*Section 5.3.1*).

Natural System

This element of the Greenbelt Plan is dealt with in more specific detail in the Natural Heritage Policy Review Discussion Paper.

The *Natural System* is comprised of a *Natural Heritage System* and a *Water Resource System*. The *Natural Heritage System* includes areas with the highest concentration of the most sensitive and/or significant natural features and functions. Permitted development of rural and agricultural uses in the Protected Countryside is allowed in the Natural Heritage System provided that:

- There is no negative effects on key natural heritage features KNHFs or key hydrologic features (KHF);
- Connectivity between these features is maintained;

- Limitations on building coverage are met; and
- Limitations on disturbed areas are met.

KNHFs include fish habitat, wetlands, Life Science Areas of Natural and Scientific Interest, significant valleylands, significant woodlands, significant wildlife habitat including significant habitat of endangered, threatened species and special concern species, alvars, sand barrens, savannahs and tall grass prairie. KHFs include permanent and intermittent streams, lakes and their littoral zones, seepage areas and springs and wetlands.

Parkland, Open Space and Trails

Maintaining and expanding the supply of parkland, open space, and trails throughout the planning area is encouraged, and for all lands falling within the Protected Countryside, municipalities should (*Section 3.3.3*):

- Develop strategies and provide facilities, parkland, open space areas, trails and water-based activities for current and future populations;
- Protect and avoid sensitive landscapes;
- Protect recreation and tourism values of waterfront areas; and
- The focus of municipal trail strategies should be on the protection of corridors, extending beyond local boundaries (provide regional access), are accessible for both motorized and non-motorized uses, do not conflict with agricultural uses, and avoids KNHF and KHFs.

The rural areas of the Protected Countryside that are outside of settlement areas, and are not prime agricultural areas, are intended to support a range of recreation and tourism uses. These areas are subject to the general policies (*Section 4.1.2*) of the Greenbelt Plan that:

- Do not permit residential units in association with recreational uses;
- Sets conditions for establishing and expanding major recreational uses in the Natural Heritage System; and
- Conditionally allow for small-scale structures for recreational uses (boardwalks, footbridges, fences, docks and picnic facilities) within KNHFs and KHFs.

Settlement Areas

The Greenbelt Plan identifies two types of *Settlement Areas: Towns/Villages and Hamlets. Towns/Villages*, as identified in municipal official plans and within their approved boundaries as they existed on the date the Greenbelt Plan came into effect. These are subject to the policies of municipal official plans. Only modest growth is assumed for these communities. This growth must be consistent with the role of these settlements as part of the Protected Countryside and their capacity to provide locally based sewage and water services. At the ten year review stage, settlement area expansions may be possible for Towns/Villages provided that the proposed growth:

- Is on municipal water and wastewater services;
- Would not exceed the assimilative and water production capacities of the local environment as determined on a watershed or subwatershed basis;
- Complies 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 and municipal policies, plans, strategies or regulations including the assessment of need and locational considerations (*Section 3.4.2.5*).

Hamlets are substantially smaller settlement areas that typically rely on private services. As such, they are not intended to be a focus for growth. Hamlets are identified very generally in the Greenbelt Plan, and the policy of the Plan is that more precise boundaries of hamlets are to be identified through municipal official plans. The Greenbelt Plan permits infill and intensification within Hamlets along with the minor rounding out of Hamlet boundaries at the time of the municipal conformity exercise (*Section 3.4.3*).

Infrastructure

The general policies of the Greenbelt Plan apply to existing and new infrastructure (*Sewage and Water, and Stormwater Management*) in the Protected Countryside (*Section 4.2*):

- Existing and new infrastructure continues to be permitted in the Protected Countryside;
- Planning, design and construction of infrastructure must minimize the amount of Greenbelt and Natural Heritage traversed and/or occupied by infrastructure;
- Infrastructure should avoid Key Natural Heritage Features and Key Hydrological Features unless need is demonstrated and no reasonable alternative exists;
- Extensions or expansions of Great Lakes based sewer and water services to Settlements in the Greenbelt is not permitted unless for public health or safety and then only with conditions;
- Where settlements have approvals for Great Lakes based services, such services may be extended and expanded to service growth within the settlement area boundary; and
- Where settlement area expansions are contemplated, the Environmental Assessment for the expanded service must be completed prior to amending boundaries- no expansion into Natural Heritage Area.

Non-Renewable Resource Policies

Non-renewable resource activities are permitted within Greenbelt lands that are designated Protected Countryside. The Province has established the following objectives for the development and expansion of mineral aggregate operations and wayside pits and quarries in this designation, the Province will pursue the following objectives (*Section 4.3.2.4*):

- Maximizing of rehabilitation areas and minimizing of disturbed areas;
- Rehabilitation that contributes to the goals of the Greenbelt Plan;
- Determination by the Province of the maximum allowable disturbed area for mineral aggregate operations; rehabilitation of excess disturbed areas must be completed according to certain timelines; and,
- Maintenance of quality and quantity of groundwater and surface water to Provincial standards.

Rehabilitation of mineral aggregate operation sites in the Protected Countryside is subject to the following policies (*Section 4.3.2.5*):

- The aggregate industry will work with the Province to consider establishment of comprehensive rehabilitation plans in areas with a high concentration of aggregate operations;
- Disturbed areas will be rehabilitated to a state of equal or greater ecological value and the long-term ecological integrity of the entire site will be restored or improved;
- The health, diversity, and size of key natural heritage and hydrologic features and aquatic areas will be restored or improved;

- Extraction and rehabilitation in key natural heritage and hydrological features and in aquatic areas will be completed as quickly as possible; and,
- Aquatic areas remaining after extraction will be rehabilitated to represent the natural ecosystem in the area.

Applications for new mineral aggregate operations or wayside pits and quarries are not permitted in significant wetlands, woodlands, and endangered and threatened species habitat (*Section 4.3.2.3a*). Applications in other key natural heritage and hydrologic features, and associated vegetation protection zones, are permitted if the applicant can demonstrate (*Section 4.3.2.3c*):

- How connectivity between key natural heritage and hydrological features will be maintained before, during, and after extraction;
- How any lost habitat will be immediately replaced with equivalent habitat;
- How the water resource system will be protected or enhanced; and,
- That proposed expansion in the Natural Heritage System is consistent with the PPS.

The Greenbelt Plan also contains policies for final site rehabilitation in the Natural Heritage System.

Municipalities are prohibited from applying any new policy on mineral aggregate resources in their OPs that are more restrictive than those in the Greenbelt Plan unless a comprehensive aggregate resource management study has been completed. Such a study was prepared for Peel Region, the results of which are reflected in policies that were incorporated into the Town of Caledon Official Plan. Although more restrictive, the provisions of Section 4.3.2.9 of the Greenbelt Plan recognises these policies as conforming.

Cultural Heritage Resources

The general policies of the Greenbelt Plan, aimed at protecting the Protected Countryside, defines cultural heritage resources, and requires the identification and protection of these resources (*Section 4.4*).

Existing Uses

In the protected Countryside, all existing uses that were lawful at the time the Greenbelt Plan came into force, and expansion of these uses, are permitted on condition they do not expand into KNHFs and KHF's (*Section 4.5*).

Expansion of structures into KNHFs and KHF's may be considered if it can be demonstrated that there is no alternative and the impact of this expansion can be minimized.

Lot Creation

Lot creation in the Protected Countryside is allowed under specified circumstances, which include, land for infrastructure purposes, natural heritage conservation, minor lot and boundary adjustments, agricultural uses, and surplus farm dwellings(*Section 4.6*).

6) Preferred Approach for Greenbelt Plan Conformity to be discussed at November 24 Environment Workshop

In order to achieve conformity to the policies of the Greenbelt Plan, and to incorporate necessary amendments and additions into the existing framework of the ROP in the most practical way, it is recommended that:

- a) The next phase of this conformity exercise be initiated by drawing on the conclusions of the Greenbelt Plan Background Paper, to identify areas where the Region of Peel and the Town of Caledon Official Plans require policy additions and/or revisions, and to determine the extent and structure of any required additions and/or revisions. To ensure coordination of the conformity exercise it is recommended that this analysis be a joint effort by the Region of Peel and the Town of Caledon, working closely with the cities of Brampton and Mississauga;
- b) A general reference to the Greenbelt Plan be incorporated in ROP Chapter 2: The Natural Environment, under the section dealing with Large Environmental Systems, similar to ROPA 7 for ORMCP conformity. This separate policy section will deal with the Greenbelt Plan in general terms: acknowledging the importance of its goals and objectives to permanently protect the agricultural land base and the ecological features and functions; and providing a broad Regional policy directive on the Greenbelt Plan implementation;
- c) Specific policy references be incorporated under those sections of the ROP that already deal with explicit elements of the Greenbelt Plan, such as the Greenlands System, Agricultural Resources, Mineral Aggregate Resources, Water Resources, Recreation, Cultural Heritage, The Rural System, Water and Wastewater Services, and Implementation;
- d) New geographical boundaries be shown in the official plans as required by the Greenbelt Plan for the following:
 - Protected Countryside land use designation
 - Natural Heritage System overlay designation
 - Identification of key natural heritages features (KNHF) and key hydrologic features (KHF) in upper tier or municipal official plans
 - Prime agricultural areas
 - Rural areas
 - Settlement areas (Towns / Villages and Hamlets)
- e) A new section titled "the Protected Countryside" be added to the "Rural System" Section (Section 5.4) of the ROP for consistency with the Greenbelt Plan. All related new policies will be found in this section;
- f) The entire Greenlands System in Peel be made to conform to the Greenbelt Plan boundaries;
- g) In order to focus on systems as defined in the Greenbelt Plan, the "Agricultural Resources"; "Natural Environment", "Natural Heritage" and "Water Resources" sections of the ROP be recast as "Agricultural System"; "Natural System": "Natural Heritage System" and "Water Resource System";
- h) Two new sections titled "Renewable Resources" and "Non-renewable Resources" be included in Chapter 3 of the ROP, and new related policies be added to this sub-sections;
- i) A new sub-section titled "External Connections" be include in Chapter 2 under the section The Greenbelt System in Peel and all related policies be added to this sub-section; and
- j) A new sub-section titled "Parkland, Open Space and Trails" be included in Chapter 3, individually or as a sub-section of Recreation, and related policies be added to this sub-section.

7) Conclusion and Next Steps

The Greenbelt Plan is intended to help provide clarity and certainty about urban structure, where and how future growth should be accommodated, and permanent protection to the agricultural land base and the ecological features and functions of each of the communities within the Greater Golden Horseshoe growth area. The policy framework provided by the Greenbelt Plan would unquestionably play an important role in further strengthening and enhancing the vision, goals, objectives and policies that have been set for the communities within Peel Region.

Although the official plans within Peel Region include many of the elements of the Greenbelt Plan, clearly there are areas of policy interest that are either new, which will require additions to the official plans, and other directives that require a varying degree of enhancement and updating to achieve conformity.

It is envisaged that the selected approach as generated by the input provided at the Environmental Workshop, of November 24, 2008, will form the basis for a detailed review and update of the ROP policies. Coordination between the Region and the area municipalities will be essential, given the complex, interrelated and potentially overlapping nature of the policy issues generated by the Greenbelt Plan conformity requirements. Due to the fact that the designated Greenbelt Plan area in Peel Region falls almost exclusively within the Town of Caledon it has been agreed to jointly review, identify and develop proposed official plan policy amendments to meet the conformity requirements of Provincial Policy.

The anticipated next step will be a joint review of the Peel and Town of Caledon Official Plans to determine which policy additions and/or revisions are required to achieve conformity to the Greenbelt Plan. This will also include an evaluation of any potential structural changes that have to be made to the official plans to make the proposed policy additions and/or revisions more logical and the documents more user-friendly.

The precept for this next phase is the Five Principles used in developing the Regional Official Plan (Section 1.3.2), and the guiding principles for the review of the Caledon Official Plan, as adopted by the Caledon Council on September 11, 2007 (copy attached).

**Fig 1) Protected Countryside
In The Greenbelt Plan**

